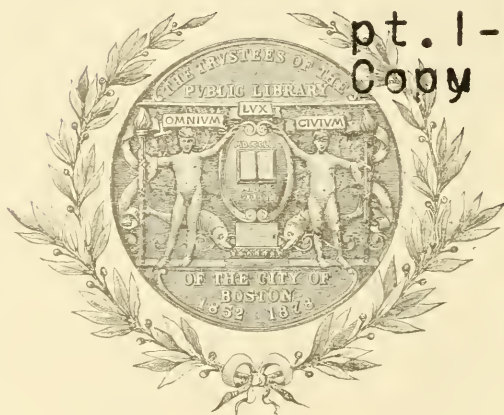


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INVESTIGATION OF ORGANIZED CRIME
IN INTERSTATE COMMERCE

HEARINGS

BEFORE A

SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE

UNITED STATES SENATE

EIGHTY-FIRST CONGRESS

SECOND SESSION

AND

EIGHTY-SECOND CONGRESS

FIRST SESSION

PURSUANT TO

S. Res. 202

(81st Congress)

A RESOLUTION AUTHORIZING AN INVESTIGATION
OF ORGANIZED CRIME IN INTERSTATE
COMMERCE

PART 1-A

FLORIDA

NOVEMBER 28; DECEMBER 28, 29, 30, 1950;
FEBRUARY 16, 17, 22, 1951

Printed for the use of the Special Committee To Investigate
Organized Crime in Interstate Commerce



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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1951



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Copy 2

SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN
INTERSTATE COMMERCE

APR 11 1951
ESTES KEFAUVER, Tennessee, *Chairman*

HERBERT R. O'CONNOR, Maryland

CHARLES W. TOBEY, New Hampshire

LESTER C. HUNT, Wyoming

ALEXANDER WILEY, Wisconsin

RUDOLPH HALLEY, *Chief Counsel*

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14. Letter dated Feb. 15, 1951, from J. Rex Farnior, State attorney, Tampa, Fla., to the chairman of the committee, accompanied by affidavit re situation in Tampa	396	497

¹ Returned to witness.² On file with committee.³ Turned over to grand jury.

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE COMMERCE

TUESDAY, NOVEMBER 28, 1950

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE,
Washington, D. C.

The committee met, pursuant to call, at 9:15 a. m., in room 457, Senate Office Building, Senator Lester C. Hunt presiding.

Present: Senators Hunt, Tobey, and Wiley.

Also present: Rudolph Halley, chief counsel; John Burling, Downey Rice, Joseph L. Nellis, and Alfred M. Klein, assistant counsel; and John N. McCormick, investigator.

Senator HUNT. The committee will come to order.

This is a further public hearing of the Special Senate Committee on Organized Crime in Interstate Commerce. I am acting as chairman today in the absence of Senator Kefauver, who was unavoidably detained.

In this morning's hearing, the committee will receive the testimony of Mr. George Patton, who was until recently a deputy sheriff of Dade County, Fla.

As everyone knows, this committee has already delved rather deeply into the problem of organized crime, and especially of organized gambling in Dade County, Fla., and it is believed that Mr. Patton's testimony concerning gambling in and around Dade County, and the corruption of public officials in connection with gambling, will round out and add details to the picture heretofore presented in the open hearings of the committee.

The witness is expected to unfold a startling detailed account of bribery on the part of gamblers in the Miami area of so-called law-enforcement officers.

Much of the story which this witness is expected to tell will relate to his own experiences: that is to say, payoffs he himself received, conversations with fellow officers and gamblers. This is direct evidence.

Some of the parts of the story which the witness is expected to tell relate to things which he did not experience but was told about in the gambling world of Dade County. This is hearsay evidence, and it should be judged as such.

As to the direct evidence, the witness is swearing under oath to the things he swears did happen. As to the hearsay evidence, all the witness is swearing to is what some other person told him about things that happened.

With a witness who was as close to the center of activities in the Miami area as this witness was, however, we think that it is fair to hear the witness' testimony of the hearsay, with this caution which I have just mentioned.

I might add a word as to why the committee is commencing a hearing at this hour.

The committee wants to be sure to finish with this witness today because he is also under subpoena to testify in Dade County Criminal Court. The committee agreed with the judge of that court to be through today, so the court's subpoena then could be honored.

I want to put on the record the fact that there is no impropriety whatever associated with Mr. Patton's remaining in Washington to testify today. He was placed under subpoena of the Senate by the committee, and he came to Washington to answer this subpoena.

It had originally hoped to hold this hearing some weeks ago. The committee went out to the west coast before that could be arranged, and the witness has been waiting here until the committee's return. This was the first day that we could arrange the hearing.

His presence here in Washington for the past 3 weeks or so was compelled by our subpoena, and there was nothing else he could lawfully do but wait to testify here, which he has willingly done, and I will now ask Mr. Patton to take the witness chair.

You do solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PATTON. I do, sir.

TESTIMONY OF GEORGE PATTON, MIAMI BEACH, FLA.

Mr. BURLING. Mr. Patton, while you have been in Washington, have you prepared a written statement of your transactions and experiences in Florida?

Mr. PATTON. I have, sir.

Mr. BURLING. Mr. Patton, I show you a document and ask you to examine it. Have you initialed each page of that document?

Mr. PATTON. Yes, sir; I have. I have initialed it as I have reread it.

Mr. BURLING. And have you signed the last page?

Mr. PATTON. Yes, sir; I did, sir.

Mr. BURLING. Will you read through the entire document to make sure that each page is initialed by you?

Mr. PATTON. It has all been initialed.

Mr. BURLING. By you?

Mr. PATTON. Yes, sir.

Mr. BURLING. And is that an account of your work and your experiences in Miami or in Dade County?

Mr. PATTON. That is right, sir.

Mr. BURLING. Is the material contained in that statement true?

Mr. PATTON. Pardon, sir?

Mr. BURLING. Are the statements contained therein true to the best of your knowledge and belief?

Mr. PATTON. Yes; they are.

Mr. BURLING. Were any promises made to you by any representative of this committee of any sort whatever in connection with your giving the committee that statement?

Mr. PATTON. There were no promises made whatsoever.

Mr. BURLING. Were you offered any money of any kind?

Mr. PATTON. None at all.

Mr. BURLING. Or anything else of value?

Mr. PATTON. Nothing at all.

Mr. BURLING. Was any duress employed of any sort in connection with your making that statement?

Mr. PATTON. No; I may go on record that this is my own voluntary statement.

Mr. BURLING. And you affirm the truth of the matters contained therein?

Mr. PATTON. Yes, sir.

Mr. BURLING. Mr. Chairman, I ask that the document be received as exhibit No. 1.

Senator HUNT. The document will be received and marked as exhibit No. 1 for the record.

(Statement of work and experiences of George Patton was marked "Exhibit No. 1," and appears in the appendix on p. 459.)

Senator WILEY. What is this document?

Senator HUNT. The document is a statement by the witness who is now testifying, Mr. Patton, a former law-enforcement officer of Dade County, Fla. It is with reference to his activities as a law-enforcement officer during his term of service.

Mr. BURLING. Mr. Patton, you were born in Pittsburgh, Pa., on May 10, 1919; is that correct?

Mr. PATTON. That is right, sir.

Mr. BURLING. What was your name at the time you were born?

Mr. PATTON. My name was Petemezas, George Petemezas.

Mr. BURLING. And about a year ago you changed your last name to Patton?

Mr. PATTON. That is correct.

Mr. BURLING. From the time you were born, roughly speaking, until the time you went into the Army, you lived in Pittsburgh?

Mr. PATTON. Yes; I did.

Mr. BURLING. And you volunteered for service in the United States Army in March 1941?

Mr. PATTON. That is correct.

Mr. BURLING. Thereafter you volunteered for service with the OSS; is that correct?

Mr. PATTON. That is right.

Mr. BURLING. And then you served behind the German lines with the OSS in Yugoslavia; is that correct?

Mr. PATTON. That is correct, sir.

Mr. BURLING. In combat?

Mr. PATTON. That is right.

Mr. BURLING. You were honorably discharged from the United States Army after hostilities ceased?

Mr. PATTON. That is right.

Mr. BURLING. After some short jobs you had elsewhere, you moved to Miami; is that correct?

Mr. PATTON. That is correct.

Mr. BURLING. Did there come a time when you joined the police department of Miami Beach?

Mr. PATTON. I did not hear that, sir.

Mr. BURLING. Did there come a time when you joined the police department in Miami Beach?

Mr. PATTON. I joined the police department approximately in November of 1946.

Mr. BURLING. And you served on the Miami Beach police force during the season 1946-47 and 1947-48; is that right?

Mr. PATTON. That is right, sir.

Mr. BURLING. Will you state what was your first beat?

Mr. PATTON. I did not hear that, sir.

Mr. BURLING. Did you become a patrolman?

Mr. PATTON. Yes; I did become a patrolman in Miami Beach, the Miami Beach Police Department.

Mr. BURLING. What beat did you first have?

Mr. PATTON. My first beat in Miami Beach covered Collins Avenue between Twenty-seventh Street and Forty-fourth Street and back down on Indian Creek Drive.

Mr. BURLING. Was it the practice of the police force there to have a night patrolman on a beat but also covered by a squad car?

Mr. PATTON. Yes; that was it.

Mr. BURLING. Who were the squad-car men who covered the same beat you did with reference to your first beat?

Mr. PATTON. Well, the schedule varied at various times down there. It changed month to month. However, occasionally the same men stayed in the same squad car, and the beatman used to stay on that same beat unless something drastic happened where it was caused to remove him.

Mr. BURLING. Can you tell the committee anything about the practice of the patrolmen and squad-car men on that beat while you were assigned to it with respect to enforcing closing hours of bars and similar establishments?

Mr. PATTON. Curfew for dancing or rather for music was 12 o'clock midnight; and insofar as bars were concerned, there was a 2 o'clock curfew, which is a State liquor ruling. Of course, a lot of these small cocktail lounges in these individual hotels wanted to keep their music playing because, what few customers they could hold onto, that was the only way they could possibly hold onto them, which was by having a little bit of music.

Various hotels had juke boxes, while other hotels, the larger ones, had small bands; and, of course, if at 12 o'clock the music would stop, why, that would mean that their customers would leave.

Consequently, arrangements were made with the beatman if the beatman came upon it, and he told them to close their music, why, of course, the concessionaires running the cocktail lounges would try to make arrangements for the beatman to receive a small gratitude at the end of the week.

Mr. BURLING. You mean "gratitude" or bribe, Mr. Patton?

Mr. PATTON. Well, I should say "bribe."

Mr. BURLING. Did you receive any such bribes on that beat?

Mr. PATTON. I did on several occasions; yes, sir.

Mr. BURLING. Did you share such bribes with other patrolmen or squad-car men?

Mr. PATTON. Squad-car boys, of course, covered quite a bigger territory than what I covered on foot and bicycle, and at times I received small portions of what they had collected at the end of the week.

Mr. BURLING. While you were on that beat, what is your best recollection as to the amount of money that the squad-car men and the patrolmen took in from that beat?

Mr. PATTON. Well, for the short time that I was on that beat on Collins Avenue, I received, I would say, on several occasions, about \$50 from the squad car.

Mr. BURLING. That is, they would give you as your share \$50 a week?

Mr. PATTON. That is right.

Mr. BURLING. Did you receive money yourself directly?

Mr. PATTON. From several places; yes.

Mr. BURLING. Would you share that also?

Mr. PATTON. No.

Mr. BURLING. There came a time, did there not, when you found a floating crap game on the beat?

Mr. PATTON. That happened while walking a beat in the vicinity of Collins Avenue, between Seventy-first Street and Seventy-fifth Street. There was a small Italian restaurant the name of which I don't remember at the present time, which had a room on the second floor in the rear of the building. There was quite a large crap game, and when I found that out, I called upon my superior and told him about that game.

Mr. BURLING. What is his name, Mr. Patton?

Mr. PATTON. His name was Lt. Joseph Brennan. I told him about that game, and evidently he must have known about it or didn't want to do anything about it, because—

Mr. BURLING. What did he say when you told him about it?

Mr. PATTON. He told me to get what I could get out of it and just mind my own business.

Mr. BURLING. I see. What did you do?

Mr. PATTON. Well, about a day later, or a night later I should say, one of the men who ran the game met me on the outside of this little Italian restaurant and handed me a \$50 bill.

Mr. BURLING. Did you split that with anyone?

Mr. PATTON. No, sir; I didn't.

Mr. BURLING. Is it a fact that you reported the name of a suspect in a robbery case, a case in which the Park Avenue Restaurant was robbed?

Mr. PATTON. Yes, sir; I did.

Mr. BURLING. Did you learn what happened after you had reported the name of this suspect?

Mr. PATTON. Well, at the time I reported the name of the suspect to the chief of detectives, who was then Chief Carpenter, I asked him if it was possible for me to work on that case in plain clothes for a while to see what else I could uncover, and I was very much reprimanded by him for even wanting or even thinking about doing something like that; and I gave him the name of the man, and a few days later, or perhaps a week later, I went looking for this man again, and I heard from a source that he had been picked up by two of the detectives, and that was the last that was ever heard of him.

Mr. BURLING. You mean he was picked up and arrested or booked?

Mr. PATTON. No, he was not booked that I know of.

Mr. BURLING. What did you hear?

Mr. PATTON. I heard that he had been sent back to New York where he came from.

Mr. BURLING. In other words, the detectives did not arrest him and book him, but permitted him to depart from Miami voluntarily?

Mr. PATTON. That is right, sir.

Mr. BURLING. Without being arrested.

Will you tell the committee whether or not it was, within your personal knowledge, the practice of the police force or of certain members of it or detectives on the squad, when they knew the whereabouts of wanted criminals to take them into custody and then receive money and escort them out of town without booking them?

Mr. PATTON. I made that in the form of a statement, and when I made that statement, of course, I made it on the basis of hearsay, and what I had known and picked up from information from the other men in the police station.

Senator HUNT. Mr. Patton, I wonder would you try to speak up just a little louder?

Mr. PATTON. Yes, sir.

Senator HUNT. It is just a little difficult for me to understand what you are saying, and I expect the people back of you cannot understand.

Mr. BURLING. In other words, it would be the practice, according to what your fellow officers told you, if they knew that someone was wanted, it would be their practice to go out, take custody of that man, then receive the money from him in return for not booking him, and then escorting him out of town?

Mr. PATTON. That is right, sir.

Senator WILEY. Was that for petty offenses or major offenses or both, or what?

Mr. PATTON. I would say those actually shaken down for any great amount of money were felons that were violators of paroles that had left their State where they were paroled from, and had come into Miami and had been picked up by detectives, and that is the way the case went sir.

Senator WILEY. Well, of course, the common practice in many places when some of these fellows come in from other cities is to get them out. In this case you think they committed crimes, and they paid to get out?

Mr. PATTON. Well, yes, because in Miami Beach there is a city ordinance that any felon who comes into that city has to make a criminal registration, and 50 percent of them, or even a greater percentage of them, never did register with the police department, and when these detectives would pick them up and would check their criminal records to see whether or not they had made criminal registration, why, they would find that they had not made it, and the first thing they would talk up a little bit of business.

Senator WILEY. Then it was not that they had committed any particular offense, except that they failed to register?

Mr. PATTON. I imagine so, yes.

Senator WILEY. That is what you mean?

Mr. PATTON. Yes, sir.

Senator WILEY. When they picked them up, they simply booted them out of town, but you think they got paid for the boot?

Mr. PATTON. That is right, sir.

Mr. HALLEY. In some cases these felons were wanted for extradition to other States, Mr. Patton; isn't that so?

Mr. PATTON. I imagine that is so.

Mr. HALLEY. They were fugitives?

Mr. PATTON. That is right.

Mr. HALLEY. And they were really paying off to prevent being locked up and sent up for prosecution?

Mr. PATTON. That is right.

Mr. HALLEY. A State shake-down racket, in other words?

Mr. PATTON. Right.

Mr. HALLEY. Thank you.

Mr. BURLING. Thereafter you left the Miami Beach police force; is that correct?

Mr. PATTON. That is right, sir.

Mr. BURLING. And sometime after that you became a deputy sheriff of Dade County?

Mr. PATTON. That is right.

Mr. BURLING. When did you become a deputy sheriff?

Mr. PATTON. I became a deputy sheriff in June of 1948.

Mr. BURLING. Who was the sheriff at that time?

Mr. PATTON. Sheriff Sullivan.

Mr. BURLING. And you were assigned to inside work for the first few months; is that correct?

Mr. PATTON. I was assigned as a night jailer. I stayed as a night jailer for approximately a month, and then I took over the desk job at night, which meant that I had to keep a transcript of the records of the bookings throughout the day, and dispatch cars throughout the night, take all complaints and book prisoners in and out of jail.

Mr. BURLING. On March 4, 1949, you were called to Sheriff Sullivan's office; is that right?

Mr. PATTON. Yes, sir.

Mr. BURLING. And the sheriff introduced you to a man whose nickname is "Bing" Crosby; is that right?

Mr. PATTON. That is correct.

Mr. BURLING. And what did Sullivan tell you Crosby was doing there?

Mr. PATTON. Sheriff Sullivan told me that Mr. Crosby was an investigator from the Governor's office, and that I was to accompany him wherever he wanted to go, and he also told me that I was to close any bookmaking establishment and to arrest and to bring anybody in that I arrested or found in the places.

Mr. BURLING. Did Sheriff Sullivan tell you to close every bookmaking establishment in Dade County or in some part of Dade County?

Mr. PATTON. No, he said, "Close any bookmaking establishment that you run into."

Mr. BURLING. That Crosby wanted closed?

Mr. PATTON. That was the indication.

Mr. BURLING. That is, you were to help Crosby and close any place he told you to close; is that correct?

Mr. PATTON. That is correct.

Mr. BURLING. Did Crosby then tell you where the places that he wanted closed were?

Mr. PATTON. When I started to go with Crosby, and when we would leave the courthouse, he would never say directly as to where he wanted to go until after we had hit Miami Beach, and once we got over the other side of the MacArthur Causeway, why, then he would pull out a piece of paper and he would have places he wanted to visit.

Mr. BURLING. Crosby had a list of places he was going to close?

Mr. PATTON. That is right.

Mr. BURLING. And were any one of those places in any part of Dade County except Miami Beach?

Mr. PATTON. No, sir, they were all in Miami Beach.

Mr. BURLING. So far as you knew were there any gambling establishments in Dade County outside of Miami Beach?

Mr. PATTON. Oh, yes.

Mr. BURLING. But you did not close any of those at this time?

Mr. PATTON. No, sir.

Mr. BURLING. How long did you work with Crosby in raiding places in Miami Beach?

Mr. PATTON. I would say about a week, sir.

Mr. BURLING. Did you raid any place except the places which were on Crosby's list?

Mr. PATTON. Yes. I raided several other places on the beach when Crosby was not with me. I mean, there was a general clean-up of the beach just about the time that Crosby was there, and if I wasn't with Crosby, I would be working with myself or with some of the other men on the force, and we—

Mr. BURLING. In other words, Crosby's arrival on the beach was simultaneous with a general shut-down of gambling operations?

Mr. PATTON. That is right, sir.

Mr. BURLING. You raided the Monroe Towers Hotel, the Henry Hotel, 150 Washington Avenue; is that right?

Mr. PATTON. That is right.

Mr. BURLING. Do you recall that in the Washington Avenue raid you apprehended a woman employee named Annette Raskin?

Mr. PATTON. When we made the raid on Washington Avenue, at 150 Washington Avenue, there were quite a few people working on the inside of that establishment, and I recognized this one woman as being Annette Raskin.

Mr. BURLING. Were you acquainted with her husband?

Mr. PATTON. Yes.

Mr. BURLING. In fact, he was a former colleague of yours on the Miami Beach police force; is that right?

Mr. PATTON. That is correct.

Mr. BURLING. By the way, Crosby's name did not appear, did it, in the court records when you booked persons who were arrested during this period?

Mr. PATTON. No, sir. As a matter of fact, on several instances when we went to file our cases with the county solicitor, he asked for Mr. Crosby, and one time he said that he was not going to take any cases unless Mr. Crosby had made his appearance. Now, whether Crosby ever did or not, I don't know, but, however, he never did make an appearance when I was filing my cases with the county solicitor.

Mr. BURLING. Crosby never told you what his purpose was in making these raids at this time, did he?

Mr. PATTON. No, sir; he never did.

Mr. BURLING. So far as you knew, it was a straight law-enforcement job?

Mr. PATTON. Yes, sir.

Mr. BURLING. Except that he was only closing places on the beach, not elsewhere in the county?

Mr. PATTON. That is right, sir.

Senator WILEY. Would prosecution follow?

Mr. PATTON. I beg your pardon, sir?

Senator WILEY. Did prosecution follow?

Mr. PATTON. In some cases; yes, sir.

Senator WILEY. Well, didn't Crosby appear to testify?

Mr. PATTON. No, sir.

Senator WILEY. You did the testifying?

Mr. PATTON. I did some of the testifying myself on cases that I had been on; yes, sir.

Senator WILEY. You say some cases. Weren't they all prosecuted that you knew were gambling places?

Mr. PATTON. Well, when I say "some cases," I know of only one that, perhaps, was thrown out on the basis of the testimony given by one of the other deputies that was with me on the raid.

Senator WILEY. What I am getting at is then except for one case all of those that you raided were prosecuted, and they paid fines.

Mr. PATTON. I can't say whether or not they were all prosecuted, sir.

Senator WILEY. All right.

Mr. BURLING. You told the Senator cases were prosecuted. Do you mean successfully prosecuted and convictions obtained, or you mean something went on in the court?

Mr. PATTON. Repeat that question again, sir.

Mr. BURLING. Did you mean successfully prosecuted or brought to trial?

Mr. PATTON. They were brought to trial.

Mr. BURLING. Were they successfully prosecuted; that is, a conviction obtained for all of them?

Mr. PATTON. Yes, sir; so far as I remember.

Mr. BURLING. All of them?

Mr. PATTON. Those that I was connected with, those that I was on raids, had been on raids.

Senator WILEY. Was there ever any explanation given you why all of them were not raided?

Mr. PATTON. No, sir.

Senator WILEY. Why some were favored and some were not?

Mr. PATTON. No, sir.

Senator WILEY. Do you know whether any of those that were not raided paid off for protection?

Mr. PATTON. At that time, sir, I would not know. I was just new at the job, and I didn't know what the connections were or what they had been doing in the past or what they were doing at the present time of the raids.

Senator WILEY. Your point is that the sheriff told you that you should simply close down those places that Crosby indicated; is that it?

Mr. PATTON. He didn't exactly say that I should close the places that Crosby indicated; he just told me, "Go with Crosby and help

him and close any bookie establishment that you find, and arrest the people."

Now, after I left the office and went with Crosby, why then, he indicated that he wanted to work strictly on the beach.

Senator WILEY. Why didn't you go down to close all of them? Why didn't you think this was a mandate to close all of them?

Mr. PATTON. Why didn't I do that, sir? I was only one man, sir; I could not cover the whole Dade County at that time.

Mr. BURLING. After about a week Crosby left the Miami area; is that right?

Mr. PATTON. Yes, sir.

Mr. BURLING. And when he left he told you that he had been pleased with your work and that he would mention you favorably in his report to the Governor?

Mr. PATTON. That is right.

Mr. BURLING. After he left you were put back on inside work running a telephone switchboard; is that right?

Mr. PATTON. That is right, sir.

Mr. BURLING. You were not encouraged to go on with your good work and close up the rest of the places?

Mr. PATTON. No, sir.

Mr. BURLING. You were put inside the sheriff's office?

Mr. PATTON. That is right, sir.

Mr. BURLING. Did Crosby ask you to send him anything when he left?

Mr. PATTON. After he left—I had talked to him by long-distance phone—and at that time he told me to write him a letter as to what was going on. I wrote him a letter and told him that the conditions were the same as they were before he made his appearance in Miami, and I also told him who I thought was responsible for most of it going on.

Mr. BURLING. You were asked a moment ago whether all the cases that were made while you were raiding with Crosby were prosecuted. Do you recall a case at the Henry Hotel?

Mr. PATTON. Well, now, that is the one I indicated that, perhaps, was thrown out—that is, that no information was filed on, because of the testimony given by one of the other deputies that was with me.

Now, I was in on that raid at the Henry Hotel, and Crosby was with me, and another deputy was with me. We made the raid successfully; we took in two men and booked them.

Mr. BURLING. Who was the other deputy?

Mr. PATTON. A deputy by the name of Bill Thompson.

Mr. BURLING. Was there anything illegal in the way in which you gained entry into the hotel?

Mr. PATTON. None whatsoever. We were let in by the doorman himself.

Mr. BURLING. And the arrests were lawful?

Mr. PATTON. Yes, sir.

Mr. BURLING. But the prosecution did not succeed, did it?

Mr. PATTON. Insofar as I know it did not, because I have never testified in that case, either before the county solicitor to file the information, or in the court to prosecute.

Mr. BURLING. Well, isn't it the fact that your fellow deputy, Thompson, told you that he had succeeded in having the case nolle prossed?

Mr. PATTON. No; that is not the way it went. The way that came about, it seems that Thompson had raided a bookie establishment that belonged to a brother-in-law of Mr. Burke, and Mr. Burke and Thompson were arguing quite a bit about it, and sometime after that Burke came out to me, while I was on the phones, and showed me where the case had been thrown out or nolle prossed, and wanted to know if that was not the one that I was on with Bill Thompson and Crosby. I told him, "Yes."

He said, "Boy" —well, he said, "Boy, you had better talk with somebody to get your cut out of it," because, he says, "Here it is on black and white, it was thrown out."

Mr. BURLING. Just a moment. This Burke you are speaking of is also a deputy sheriff?

Mr. PATTON. He was at the time.

Mr. BURLING. And Burke told you that you ought to get your cut because this case had been thrown out?

Mr. PATTON. That is right, sir.

Mr. BURLING. And then you went and asked Thompson about it?

Mr. PATTON. Then I went and asked Thompson about it, and he told me that he would get my end of it, and about a week later I got something like \$50 or \$75, I don't remember.

Mr. BURLING. From whom?

Mr. PATTON. From Thompson.

Mr. BURLING. That is, your share in the cut which was received for getting this case thrown out?

Mr. PATTON. I imagine so; yes.

Mr. BURLING. So, at least with respect to that case it was not successfully prosecuted?

Mr. PATTON. That is right.

Senator WILEY. What are the facts? Did the district attorney move to dismiss or enter a nolle prosee, or was there evidence taken and did the court dismiss, or what were the facts?

Mr. PATTON. Well, sir, that is just the point. I don't know, because I never went before the county solicitor to testify and file the information in this raid.

Senator WILEY. From whom did you get your money?

Mr. PATTON. I got my money from Bill Thompson, the deputy that I made the raid with.

Senator WILEY. Deputy sheriff?

Mr. PATTON. Yes, sir.

Senator WILEY. What did he tell you when he gave you the money?

Mr. PATTON. He didn't tell me much of anything at all, sir. He was very reluctant to admit to the fact that he had gotten anything, to begin with, and about a week later after I had talked to him, why, he came up with the money.

Mr. BURLING. That is to say, the raid was conducted on the premises of the deputy sheriff's brother-in-law?

Mr. PATTON. Not that particular raid; no, sir. The Henry Hotel is on the beach; Bill Thompson had conducted another raid, which was on the bookie establishment that was owned by Tom Hodges, which is a brother-in-law of Burke.

Mr. BURLING. Coming to Labor Day in September 1949, did you go out on another raid? Didn't you raid the Latin American Club at 128 First Avenue, Miami?

Mr. PATTON. Yes, I did.

Mr. BURLING. After that you were transferred to the criminal division of the sheriff's office?

Mr. PATTON. Yes, sir; shortly after that.

Mr. BURLING. At that time the chief criminal deputy was Claude High?

Mr. PATTON. Not insofar as title is concerned. He assumed the position of chief criminal deputy. He took over the major operation of the whole office while Chief Hawkins was still acting as chief, but working on the desk.

Mr. BURLING. Shortly before that, is it correct that Jim Hawkins was Deputy Sheriff Hawkins, and had been in charge of gambling enforcement?

Mr. PATTON. Yes.

Mr. BURLING. That was taken away from Hawkins, that authority, and given to High; is that correct?

Mr. PATTON. That is right, sir.

Mr. BURLING. Had Crosby told you anything while he was working with you earlier about whether or not he wanted to have Hawkins have supervision over gambling enforcement?

Mr. PATTON. No; he didn't indicate insofar as wanting Hawkins to be at the head of the gambling enforcement. However, he did indicate that neither Hawkins nor Burke had cooperated with him while in Miami, and something had to be done about it.

Mr. BURLING. You mean Crosby said Hawkins had not cooperated?

Mr. PATTON. Had not cooperated.

Mr. BURLING. And he wanted him out?

Mr. PATTON. He indicated as much; yes, sir.

Mr. BURLING. Is it a fact that various bookmakers had told you that they were glad to see Hawkins go because he squeezed them hard?

Mr. PATTON. That is right.

Mr. BURLING. Can you name the bookmakers who told you that?

Mr. PATTON. Offhand; no, sir. It has been some time—it has been over a year ago.

Mr. BURLING. But you have a clear recollection that some bookmakers told you they were glad to have Hawkins out?

Mr. PATTON. Yes.

Mr. BURLING. About a month after you yourself were transferred to the criminal division you received a telephone call from Leo Levinson; is that right?

Mr. PATTON. Leo Levinson; yes, sir.

Mr. BURLING. And he told you someone important wanted to meet you; is that right?

Mr. PATTON. That is right.

Mr. BURLING. Did you make an appointment to meet Levinson at night in the vicinity of a drug store on Southwest Eighth Street near First or Second Avenue?

Mr. PATTON. Yes, sir; I did.

Mr. BURLING. And he then introduced you to Jack Friedlander; right?

Mr. PATTON. That is right.

Mr. BURLING. What did Friedlander say to you?

Mr. PATTON. Friedlander wanted me to know that he was glad to know that I was in the criminal division, and that he would try very hard or very earnestly to get me on the gambling squad.

Mr. HALLEY. Do you know what Friedlander's business was? He was a gambler, was he not?

Mr. PATTON. Pardon me?

Mr. HALLEY. Friedlander was a gambler himself, was he not?

Mr. PATTON. Yes.

Mr. HALLEY. Thank you.

Senator WILEY. Where was he from?

Mr. PATTON. At that time I didn't know, but since then I found that he is originally from New Jersey.

Senator WILEY. This is the first time in the testimony so far that you have shown any out-of-State connections. Are you going to go into that later on? I have got to go to Foreign Relations at 10 o'clock, and I was wondering whether there were any of these fellows that you met up with from out of the State or showed any out-of-State influence or connections in these gambling matters?

Mr. PATTON. Well, yes, sir. I later on met Harry Russell, who was from Chicago, and George Bowers. I don't know whether he was from the State of Florida or whether he was from out of town.

Senator WILEY. What were their connections, would you say?

Mr. PATTON. Well, it is very evident now that Harry Russell came into Miami Beach from Chicago, and with the help of Crosby and with the influence of whoever controlled the wire service, why, he cut himself in on the S. & G. Syndicate.

Senator WILEY. Did you know whether or not those places raided, were raided in connection with S. & G.?

Mr. PATTON. Yes; they were.

Senator WILEY. They were?

Mr. PATTON. Yes, sir.

Senator WILEY. And the other places that were not raided were not so connected?

Mr. PATTON. I am—I would not want to say, sir, whether they were connected or not; but I do know that the major raids that were conducted were on S. & G. Syndicate operations.

Senator WILEY. That is all.

Senator HUNT. Mr. Patton, when you first met Friedlander, you said to him that you did not want to participate in anything in any way that would hurt the sheriff?

Mr. PATTON. Yes, sir.

Senator HUNT. You meant Sheriff Sullivan?

Mr. PATTON. That is right, sir.

Senator HUNT. And now Friedlander said to you that you did not need to worry about that; that nobody was going to hurt the sheriff?

Mr. PATTON. That is right.

Senator HUNT. What was your interest in not hurting the sheriff? Because he was your boss?

Mr. PATTON. Yes; that is primarily the one thing that I had in mind. What I knew of the sheriff, what little I knew of him, he had treated me fine; he had given me a job.

Senator HUNT. He had what?

Mr. PATTON. He had treated me well by giving me a job. Of course, at that time I was still green as to what was going on, not knowing what the affairs of the office were or what his connections were with outsiders; but still, in all, I just didn't want to participate in anything that would hurt him eventually.

Senator HUNT. Last evening I read most of your statement. I did not quite get to finish it. At this time do you want to tell the committee whether or not you at any time yourself, with your own eyes, saw any of this money paid directly to Jimmy Sullivan?

Mr. PATTON. No; I have never witnessed any pay-off directly to Sheriff Sullivan.

Senator HUNT. That is all.

Mr. BURLING. Shortly after your meeting with Friedlander—

Senator WILEY. Just a moment. You say you never saw any money paid. Have you any information that money was paid to the sheriff?

Mr. PATTON. No, sir.

Senator WILEY. Hearsay or otherwise?

Mr. PATTON. Hearsay, yes. I have heard that he had a businessman that was representing him as his collector. I knew that Friedlander was collecting from these various gambling establishments, but as to how and where the money was given to the sheriff, if at all, I don't know, sir; but I had heard that an outsider, someone that was well up in the business world, was representing the sheriff insofar as getting the money. Now, whether that is true or not, I cannot swear to it.

Senator WILEY. What do you mean by "outsider"?

Mr. PATTON. Someone that was not a gambler; a well-known businessman, let us say. I mean, that is the way it went.

Senator HUNT. Do you happen to know the name of that well-known businessman?

Mr. PATTON. No, sir. I mean, I suspect, but I can't—I have no foundation to actually come out and tell the man's name.

Senator WILEY. Well, you were told by others that the sheriff was cutting in through some collector; isn't that a fact?

Mr. PATTON. That the sheriff had what, sir?

Senator WILEY. Was getting his cut through some collector.

Mr. PATTON. From some well-known businessman that was collecting the money for him from Friedlander.

Senator WILEY. Did he intimate how much?

Mr. PATTON. No, sir.

Senator WILEY. Who was it who told you that?

Mr. PATTON. Offhand, sir, I wouldn't know who told me that at the present time. I mean, I could possibly think for a little while, and I may be able to think about his name.

Senator WILEY. Did it come from more than one source?

Mr. PATTON. Yes. It is common knowledge; I mean, it is more or less thought of as being one particular man that was probably his contact down there in Miami. I mean, it is a man that he is well associated with; that he is very friendly with, and most of the time, if you ever want to find the sheriff, why, you know where to find him.

Senator HUNT. What business is this man in?

Mr. PATTON. May I go off the record a moment, sir, and talk to somebody about that?

Senator HUNT. Yes; you can go off the record.

(Discussion off the record.)

Senator HUNT. Mr. Patton, do you care to give me the address of this gentleman?

Mr. PATTON. Sir, I have talked this matter over with one of the members of the staff, and I think at the time I would rather hold back on it until we had made certain.

Senator HUNT. All right. I believe we have that information.

Mr. PATTON. O. K., sir.

Mr. BURLING. Shortly after you met Friedlander you were called by a lawyer in Miami Beach, called Ben Cohen; is that right?

Mr. PATTON. Yes, sir; I was.

Mr. BURLING. He asked you to go to his office?

Mr. PATTON. That is right.

Mr. BURLING. Did you know at the time what Ben Cohen's principal client was?

Mr. PATTON. No; I didn't.

Mr. BURLING. Later you learned that his principal client was the S. & G. Syndicate?

Mr. PATTON. I didn't hear that, sir.

Mr. BURLING. You later learned that he represented S. & G.; is that right?

Mr. PATTON. Oh, yes.

Mr. BURLING. Did you know Cohen at that time?

Mr. PATTON. Yes; I knew Ben Cohen.

Mr. BURLING. Did he tell you that attempts were being made to have you placed on the gambling squad?

Mr. PATTON. Yes; he did.

Mr. BURLING. And he told you that he was going to support that; is that right?

Mr. PATTON. Yes.

Mr. BURLING. He further told you that he hoped that you could become to the sheriff's office what Pat Perdue was to the Miami Beach police?

Mr. PATTON. That is right.

Mr. BURLING. A one-man gambling squad.

Mr. PATTON. Yes. Not only that, but he meant that insofar as value to the syndicate was concerned.

Mr. BURLING. Did he then tell you that he wanted you to meet the head man?

Mr. PATTON. Yes; he did.

Mr. BURLING. He placed a phone call; is that right?

Mr. PATTON. That is correct.

Mr. BURLING. And right after that Harry Russell came in?

Mr. PATTON. That is correct.

Mr. BURLING. And you did not know him at that time?

Mr. PATTON. No, sir; I had never met the man.

Mr. BURLING. Cohen introduced you to Russell; is that correct?

Mr. PATTON. That is correct.

Mr. BURLING. Having done so, he went into another office, leaving you alone with Russell?

Mr. PATTON. That is right.

Mr. BURLING. Russell told you that he was glad to meet you because you had helped a friend of his; is that right?

Mr. PATTON. That is right.

Mr. BURLING. Without specifically naming him, he indicated to you he was referring to Crosby?

Mr. PATTON. That is right.

Mr. BURLING. He told you that he was going to try to have you put on the gambling squad also; is that right?

Mr. PATTON. That is right.

Mr. BURLING. Then he told you to be careful and to be as smart as Pat Perdue is?

Mr. PATTON. That is right.

Mr. BURLING. Further, he told you that no one had paid anything—no gambler paid Pat Perdue directly, because his group took care of Perdue; is that right?

Mr. PATTON. He told me—he told it to me in this way: He said, "Take Pat Perdue, for instance"—he says, "There is not a gambler of Miami Beach who can point a finger to him and say that we paid him a certain amount of money."

He said, "Now, anything that you have taken up to this point is all right, but from here on out," he says, "I don't want you to take anything from anyone, and we will take care of you as we have taken care of others."

Mr. BURLING. In other words, all bribes or protection money was to be funneled through either him or his group?

Mr. PATTON. That is right.

Mr. BURLING. Did you agree to receive bribes through Russell or his agents?

Mr. PATTON. I agreed to go along with what he had to say.

Mr. BURLING. At the end of your conversation with Russell did Cohen rejoin you?

Mr. PATTON. Yes; he did.

Mr. BURLING. He told you, did he not, that if you listened to Russell and to him you would be a smart boy and have a lot to gain?

Mr. PATTON. That is right.

Mr. BURLING. You recall his saying that?

Mr. PATTON. Pardon, sir.

Mr. BURLING. You recall his saying it?

Mr. PATTON. Yes, definitely.

Mr. BURLING. And a couple of weeks later you received a phone call at home from Leo Levinson; is that right?

Mr. PATTON. That is right.

Mr. BURLING. He told you that a meeting was being held at Miami Beach at which your presence was wanted?

Mr. PATTON. That is right.

Mr. BURLING. You then met Levinson and you went with him to Harry Russell's house; is that right?

Mr. PATTON. That is right.

Mr. BURLING. And the people present were you, Levinson, Harry Russell, Jack Friedlander, and George Bowers?

Mr. PATTON. I went to the house with Levinson. However, Levinson did not stay there. Those present were myself, Russell, Friedlander, and George Bowers.

Mr. BURLING. You were told that the gamblers in Miami Beach had an internal dispute as to who should be put in charge of the sheriff's gambling squad; is that correct?

Mr. PATTON. That was not the gamblers of Miami Beach. There were other factions, other gamblers, that were arguing with the Miami Beach crowd as to whom they wanted to be put into the gambling squad.

Mr. BURLING. They told you that one faction wanted Deputy Sistrunk?

Mr. PATTON. That is right.

Mr. BURLING. But this group that you were with wanted you?

Mr. PATTON. That is right.

Mr. BURLING. You were told then, or did you learn later, that the faction that wanted Sistrunk in charge of the gambling squad were Charlie Thomas, Merrill Yarborough, and Eddie Padgett?

Mr. PATTON. That is correct.

Mr. BURLING. This faction wanted Sistrunk and also Deputy Percy Brannon?

Mr. PATTON. That is right.

Mr. BURLING. And he is the brother-in-law of Sheriff Sullivan?

Mr. PATTON. That is right, sir?

Mr. BURLING. In the course of this meeting, did these gamblers—you knew that each of those was a gambler; did you not?

Mr. PATTON. I did. Of course, I didn't—

Mr. BURLING. They did repeat to you what you had been told in Cohen's office by Russell; that is, that you should keep clean, not take any graft from anybody except from them?

Mr. PATTON. That is right.

Mr. BURLING. That is what they referred to as keeping "clean"; is that right?

Mr. PATTON. That is right.

Mr. BURLING. Did they tell you they were still working on the project to have you put on the gambling squad?

Mr. PATTON. Yes, sir.

Mr. BURLING. Did they tell you that if you followed their orders—that is, do not take graft from anybody else—that they would take care of you with respect to bribes which you would lose by following those orders until they got you on the gambling squad?

Mr. PATTON. That is right, sir.

Mr. BURLING. Is it a fact in this meeting Bowers said that no matter who else might be appointed to the gambling squad, that you were the man that they wanted to deal with?

Mr. PATTON. Yes, sir. He emphasized that very much by telling me regardless of what the outcome was, that he either had to be one of those men or else the deal was off. Now, what he meant by that, I don't know.

Mr. BURLING. Were you told at this meeting what interest Bowers represented?

Mr. PATTON. No one told me directly, but from the way the conversation was swinging, why, I took it for granted that he was representing some Tallahassee or Jacksonville interests.

Mr. BURLING. That is to say he mentioned the names of Jacksonville or Tallahassee, but did not mention the names of individual men?

Mr. PATTON. That is right.

Mr. BURLING. And shortly thereafter it is a fact, is it not, that Sistrunk and Brannon were appointed deputies in charge of gambling?

Mr. PATTON. Yes, sir.

Mr. BURLING. And shortly thereafter, did they conduct a raid in which no evidence was found?

Mr. PATTON. The story I got was that they were told to go out and raid a place that was operating a crap game or a card game, and that prior to their getting on the scene, that one of the two of them had called up this place and had tipped them off which, in turn, angered Friedlander very much, and that resulted in having both Sistrunk and Brannon taken off of the gambling squad.

Mr. BURLING. At that time you and McLeroy were put on the gambling squad; is that correct?

Mr. PATTON. We were not on it. We were put on it afterward.

Mr. BURLING. And right after that you had a talk with Jack Friedlander about the failure of Sistrunk and Brannon; is that right?

Mr. PATTON. That is right.

Mr. BURLING. Friedlander told you that he was very angry about the failure of this raid?

Mr. PATTON. That is correct.

Mr. BURLING. And he said, "When I want a raid made I want it made"; is that right?

Mr. PATTON. That is correct.

Mr. BURLING. And right after Sheriff Sullivan appointed you and McLeroy to gambling you received a phone call, did you not, in which you were asked to meet Friedlander at a parking lot?

Mr. PATTON. Was I asked to meet him in the parking lot, you say?

Mr. BURLING. Yes.

Mr. PATTON. Arrangements were made that I meet him in the parking lot, which is adjacent to the Island Club.

Mr. BURLING. What was the Island Club?

Mr. PATTON. The Island Club was a gambling casino.

Mr. BURLING. When you went to this parking lot did you see Friedlander alone or was someone with him? Was Harry Russell with him?

Mr. PATTON. Yes; Harry Russell was with him that first night.

Mr. BURLING. Did they tell you that they were glad that you had been appointed to the gambling squad?

Mr. PATTON. Yes, sir.

Mr. BURLING. Did they tell you that they were responsible for your getting the appointment?

Mr. PATTON. Yes; they did.

Mr. BURLING. Of course, the appointment was made by Jimmy Sullivan; was it not?

Mr. PATTON. Yes, sir.

Mr. BURLING. Do you remember whether either Russell or Friedlander said, "It took a little time and a little work, but we finally accomplished it"?

Mr. PATTON. Yes; they did.

Mr. BURLING. Was McLeroy with you at this meeting?

Mr. PATTON. No; he was not.

Mr. BURLING. Did Russell or Friedlander tell you that they had doubts about whether they could control or trust McLeroy?

Mr. PATTON. Yes, they did.

Mr. BURLING. What did you tell them about that?

Mr. PATTON. I told them that I thought probably that I could control McLeroy.

Mr. BURLING. Now although Brannon had been removed at this time from the gambling squad, did he continue to collect the pay-off for a short while?

Mr. PATTON. Well now, the appointment to the gambling squad of myself and McLeroy was prior to the first of the year, and the pay-offs for the squad didn't come about until after the first of the year. Now, he collected for the first 2 or 3 weeks in January, and then it was decided that I would take over and collect the money from Friedlander because of the fact that Brannon was unable to successfully get enough money from them to cover the operations that were going on.

Mr. BURLING. That is to say, some deputy sheriffs had a discussion in which it was agreed that Brannon should no longer be the collector, but that you should take that job, is that right?

Mr. PATTON. That is correct; and Brannon himself wanted to get off of it because he could not make any headway with Friedlander.

Mr. BURLING. Before he got off it, is it a fact that he would receive the money in cash and would take it to the sheriff's office and distribute it among certain deputies?

Mr. PATTON. Yes.

Mr. BURLING. And you were one of the receiving deputies?

Mr. PATTON. Yes, sir.

Mr. BURLING. That is, you took cash from Brannon, which you understood that Brannon got from Friedlander?

Mr. PATTON. I did.

Mr. BURLING. What other deputies were receiving this cash in the first weeks in 1950?

Mr. PATTON. There was McLeroy, myself, Brannon, Sistrunk, and Shields.

Mr. BURLING. What was your share per week?

Mr. PATTON. About \$100 a week, I believe it was.

Mr. BURLING. Did the others get the same cut?

Mr. PATTON. Yes.

Mr. BURLING. This group of deputies felt that more money could be extracted from the gamblers, is that right?

Mr. PATTON. That is right.

Mr. BURLING. About the end of January 1950, you became the collector?

Mr. PATTON. Yes, sir.

Mr. BURLING. And you continued to the end of January, and then through February and toward the end of March?

Mr. PATTON. Yes, sir.

Mr. BURLING. Of this year?

Mr. PATTON. Yes, sir.

Mr. BURLING. Your usual place to collect the money would be this same parking lot behind the Island Club, is that right?

Mr. PATTON. That is right.

Mr. BURLING. The usual practice was for you to meet Friedlander or else Friedlander and Russell together?

Mr. PATTON. Yes, sir.

Mr. BURLING. And they would hand you the cash, is that right?

Mr. PATTON. That is correct.

Mr. BURLING. Sometimes this was varied, and you met Friedlander at Forty-first Street and Alton Road on the beach?

Mr. PATTON. Yes, sir; that is right.

Mr. BURLING. What was the average cash payment Friedlander or Friedlander and Russell jointly would make to you?

Mr. PATTON. Well, at the very beginning when I took over the collection end of it, we started to get \$800 a week.

Mr. BURLING. Were you told by Friedlander or Friedlander and Russell what this protection was for specifically?

Mr. PATTON. Yes, sir; I was.

Mr. BURLING. Will you state what your understanding was?

Mr. PATTON. \$300 of that was from the S. & G. Syndicate, \$300 was from the Sunny Isles Casino, and \$200 of that was from the operation of bolito.

Mr. BURLING. With the exception of bolito, no gambling except gambling on Miami Beach was covered by these payments, is that right?

Mr. PATTON. That is right.

Mr. BURLING. That is, you were free to receive payments from gamblers off the beach outside of this arrangement?

Mr. PATTON. They didn't want us to; that is, Friedlander didn't want us to, because he was making his collections over on the Miami side and, of course, if any of the deputies would cut themselves in on the collections from over there on Miami, why, of course, that meant less money for him to collect, because the bookmakers would put up a squawk and just wouldn't give it to him, that is all.

But I might add this to it, that the bookmakers would much sooner give it to the deputies than to Friedlander because Friedlander was not liked at all by any of them.

Mr. BURLING. Did you have an argument in the course of these meetings with Friedlander as to whether the payments covered the Island Club?

Mr. PATTON. Yes. I talked to him about that, and his answer was, "Well, it was due to the fact that I am one of the operators of the Island Club, and in view of the fact that I had made the arrangements for the collection of the money from the Sunny Isles, and from the S. & G. Syndicate, he felt that he did not need to pay for the operation covering the Island Club."

Mr. BURLING. Did you agree with him that because of his services in organizing bribery that his own club should be let alone?

Mr. PATTON. I did not agree with him, but I had no other choice.

Mr. BURLING. Whether or not you liked it, you agreed that you would leave his club alone?

Mr. PATTON. That is right.

Mr. BURLING. There was no doubt in your mind, was there, or no doubt was left from what was said by you, Russell and Friedlander, that this money, this \$800 a week, was in payment for insuring that the sheriff's office would not molest the Sunny Isles, S. & G. Syndicate, and bolito; that is what you were getting the money for?

Mr. PATTON. That is correct.

Mr. BURLING. Did they not, however, say to you that you would occasionally have to make token raids?

Mr. PATTON. Yes, sir.

Mr. BURLING. By that they meant that you would either raid some place or arrest somebody in order to keep up appearances?

Mr. PATTON. Yes. Well, that was another reason why Friedlander instructed me to tell the other deputies, and also for myself, that we were not to take any money from other gamblers because if we had then, of course, that would not leave too many people open for arrest.

Mr. BURLING. In other words, Friedlander said to you, in substance, that you should not be bribed by all the gamblers in the area because you had to arrest somebody in order to keep up appearances?

Mr. PATTON. That is right.

Mr. BURLING. He wanted people arrested outside of his group?

Mr. PATTON. That is correct.

Mr. BURLING. Did he also say to you that occasionally token raids would have to be made in S. & G. establishments?

Mr. PATTON. Yes, sir.

Mr. BURLING. But those raids must be tipped off in advance?

Mr. PATTON. Yes, sir.

Mr. BURLING. That is, the place would be called on the telephone and told that the raid was going to take place, so that when you would go out there there would be no evidence?

Mr. PATTON. That is correct.

Mr. BURLING. Did you agree to do this; that is, to make token raids and to tip off the establishment?

Mr. PATTON. I agreed to go according to his plan, insofar as I was able to, and that I would not take the responsibility of any other raids that may be pulled on any of these establishments by deputies that were not in on the payroll or didn't know what was going on.

Mr. BURLING. What did you do with the money which Friedlander and Russell gave you?

Mr. PATTON. I would take it back and distribute it among the other deputies.

Mr. BURLING. Will you name them again?

Mr. PATTON. There was Brannon, Shields, McLeroy, myself, and, later on in the picture, Kersey.

Mr. BURLING. How about Sistrunk?

Mr. PATTON. And Sistrunk.

Mr. BURLING. What about Deputy Hughes? Was he included in this arrangement?

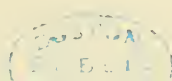
Mr. PATTON. No, sir; he was not.

Mr. BURLING. Did he have an arrangement?

Mr. PATTON. Hughes was a day jailor for quite some time, for several years, in the sheriff's office; that is, after my coming to the sheriff's office, and finally he went into the criminal investigation department, and it was while in the criminal investigation department the man needed an automobile to operate, and there was a prisoner in jail who had a 1949 Mercury that he wanted to sell, and Hughes, not having the money, approached Friedlander. Friedlander gave him enough money to make a down payment, and Hughes thereafter collected \$100 a month in order to pay for his monthly finance.

Mr. BURLING. Did Hughes tell you this?

Mr. PATTON. Hughes told me that. Friedlander told me that. As a matter of fact, I was present when Hughes collected some of the money at various times.



Mr. BURLING. In other words, because of a separate deal on the automobile Hughes did not share in the split of money you received from Friedlander and Russell.

Mr. PATTON. I know I would not say it was because of the automobile; that was strictly between themselves. I mean, I don't know——

Mr. BURLING. I said because of that separate transaction he was not in on the split that you were running?

Mr. PATTON. Well, he was not in on the original split, to begin with, and Friedlander didn't see why he should be in on it, inasmuch as he had helped him to get his car and was making those monthly payments to him in order to pay for the car.

Mr. BURLING. Will you describe the manner in which you made the payments to your fellow deputies? Where would you take the money, and where would you give it to the other deputies?

Mr. PATTON. I would take it with me the next morning up to the courthouse, and I would either put it in envelopes or call them into the men's washroom or give it to them individually.

Mr. BURLING. Did you have any trouble in receiving that part of the pay-off which came from bolito?

Mr. PATTON. Yes. The \$200 which was for the pay-off of bolito did not last very long. They had some troubles, and they couldn't collect it all, and then we had orders to make raids on bolito shortly after that, and the bolito operators would not pay the money to Friedlander, and consequently we were not getting any of it.

Mr. BURLING. Did Friedlander tell you who he was collecting the money from for bolito protection?

Mr. PATTON. Yes, a man by the name of George Weigand.

Mr. BURLING. Had he any connection with law enforcement, do you know?

Mr. PATTON. At one time I understand he was chief of police of the South Miami Police Department.

Mr. BURLING. Did you yourself ever meet Weigand and ask him for protection money?

Mr. PATTON. There was one time that Friedlander could not see Weigand, and I was instructed to go to a place known as the Te Pee Bar and meet Weigand, which I did, and at that place and at that time I received \$400 in cash from Weigand as part of the bill of bolito pay-offs.

Mr. BURLING. Did there come another time when you went to see Weigand in a trailer in South Miami?

Mr. PATTON. Yes, sir; I did.

Mr. BURLING. Did Weigand tell you who he was working for?

Mr. PATTON. No, he did not.

Mr. BURLING. Did anyone tell you he was working for Eddie Padgett?

Mr. PATTON. I mean it was a known fact that he was working for Eddie Padgett. He has worked for Eddie Padgett for quite a few years.

Mr. BURLING. On this occasion did you ask Weigand to give you \$2,500 as payment of arrears?

Mr. PATTON. That is right.

Mr. BURLING. What did he answer?

Mr. PATTON. He told me that they had obligations up-State, and besides that he told me that he couldn't help if certain parties wanted swimming pools which they had to pay for.

Mr. BURLING. Did you ask him what he meant by that?

Mr. PATTON. I did, and he very reluctantly, of course, told me; he says, "Well, you work for somebody, you take orders from somebody, don't you?" I answered him, and he said, "Well, I can't help it if that particular party wants a swimming pool."

Mr. BURLING. In other words, he said that he could not give you the protection money you wanted because someone you worked for wanted a swimming pool?

Mr. PATTON. That is right.

Mr. BURLING. Who was your immediate superior at this point?

Mr. PATTON. Claude High.

Mr. BURLING. Did Claude High have a swimming pool built at his place at about this time?

Mr. PATTON. Yes, sir.

Mr. BURLING. Going back to Miami Beach, were there times when Friedlander would tell you to raid places not covered by his ordinary list of places?

Mr. PATTON. Would he tell me to raid, you say?

Mr. BURLING. Yes; from time to time.

Mr. PATTON. Yes, sir. At various times he would indicate to me places that he would want raided. He would give me an address or something, and he more or less wanted that raid conducted because of the fact that he wanted to bring this bookmaker in line insofar as the pay-off was concerned.

Mr. BURLING. Do you know a man named Duke Nolan?

Mr. PATTON. Yes; I do.

Mr. BURLING. Is he in charge of gambling in Surfside?

Mr. PATTON. Yes, sir. He is supposed to be the fix man in the little town of Surfside, which is on the northern end of Miami Beach vicinity.

Mr. BURLING. At the same time, that is, the spring of last year, did Nolan tell you that he had given any money to Jack Friedlander?

Mr. PATTON. I would like to correct that. That was not in the spring. It was toward the end of August or the first part of this past September.

Mr. BURLING. Of this year?

Mr. PATTON. Of this year. I met Nolan, and during the course of the conversation he admitted to me that he had given better than \$2,500, I believe it was, to Friedlander, which was to be given as payment to the deputies for the operations covering Surfside.

Mr. BURLING. That is money which was given to Friedlander to be given to the deputy sheriffs?

Mr. PATTON. That is right.

Mr. BURLING. Had you received this money?

Mr. PATTON. No, sir.

Mr. BURLING. Did you ever ask Friedlander for it?

Mr. PATTON. I never did. But at the time the conversation was had with Nolan, I had made—I had passed a remark to Nolan which was overheard by someone. I had told Nolan, "Well, there is always more than one way to skin a cat," and, of course, whoever picked up the re-

mark immediately telephoned Friedlander out of town and told him of the fact that I had become angered, and when Friedlander returned to Miami he called me to his home and asked me whether or not I had made that statement, and I told him that I had made it, and I didn't think it was very nice of him to renege on any deals that he had made with us inasmuch as the men were exposing themselves to whatever—anything that might happen to them.

Mr. BURLING. Did Friedlander also ask you to leave alone the premises under the cover of Unceda Vending Co.?

Mr. PATTON. Yes, he did.

Mr. BURLING. You knew that was a gambling establishment, did you not?

Mr. PATTON. That was Friedlander's headquarters for telephone operations only.

Mr. BURLING. Were there occasions when you and your fellow deputies would raid places not knowing that Friedlander was interested in them, and then would find that he was interested?

Mr. PATTON. That has happened occasionally; yes, sir.

Mr. BURLING. Were you on one occasion instructed by Chief Criminal Deputy High to raid a place, and were you thereafter called by Friedlander, who complained about it? Do you remember such an incident?

Mr. PATTON. Offhand—well, offhand I would not remember any particular incident, but I mean there were several instances where that would happen.

Mr. BURLING. Did Friedlander ever tell you that High was being taken care of and he, therefore, should not direct that particular raid?

Mr. PATTON. Oh, yes.

Mr. BURLING. When you would raid an establishment or when you would arrest a gambler or a runner, it is a fact, is it not, that you would find money or cash either in the premises or on the person of the arrested gambler?

Mr. PATTON. Yes.

Mr. BURLING. Did you frequently fail to turn this money in to the sheriff's office, but kept it and split it among the deputies?

Mr. PATTON. Not if it—I would like to get that straight for the record. Moneys that were confiscated in bookie raids, as a rule, was held onto for evidence. However, there were cases where a great deal of money was confiscated, which at one time or another had been returned to the owners, that is, the bookmakers.

Now, insofar as keeping any money, I mean, there were instances in bolito raids which we did take and split some of that money up amongst the deputies that were on the raid, or whatever the case may be.

Mr. BURLING. In other words, there were two situations: One in which you would have a raid, but then the case would not be prosecuted, and the money would be returned to the bookie, and in return for that, he would give you back individually some of the money returned.

Mr. PATTON. That is right.

Mr. BURLING. And in other cases the money was seized but was not turned in or noted in the sheriff's records, and you split it.

Mr. PATTON. Well, one making a raid, if there was any money confiscated at all, why, there was never an accurate record ever kept of

the money that was confiscated. I mean it was never entered on any ledger of any kind of all. You usually lock it up in your own locker and you held it for evidence until you made your appearance in court.

Mr. BURLING. Did you always turn into evidence in court all the money you confiscated?

Mr. PATTON. I would say not always; no.

Mr. BURLING. Did you ever give Claude High any money that you had taken in this way?

Mr. PATTON. Yes. McLeroy and I conducted some bolito raids on pick-up men, and would take certain portions of that money, of the bolito money, that they had in envelopes, and Claude High got a certain portion of that money. Now, this all happened, of course, when we first started operating as a gambling squad.

Mr. BURLING. In the spring of this year, it is a fact, is it not, that one of Claude High's sons was getting married?

Mr. PATTON. Yes, sir.

Mr. BURLING. And Claude High asked you if you could not get his son and his son's bride an apartment on Miami Beach for a while; is that right?

Mr. PATTON. That is correct.

Mr. BURLING. He did not suggest that you were to go and rent it with High's money, did he?

Mr. PATTON. No.

Mr. BURLING. He meant through your gambling contacts.

Mr. PATTON. That is right.

Mr. BURLING. Did you see Friedlander about this?

Mr. PATTON. Yes. I talked to Jack Friedlander, and Friedlander told me to go ahead with any plans I wanted to make insofar as renting an apartment on the beach, and he would see to it that all moneys for rents were paid for.

Mr. BURLING. Did High also ask you to get whisky for this wedding?

Mr. PATTON. He did.

Mr. BURLING. You got a case of whisky from a gambler named McLendon, is that right?

Mr. PATTON. As a matter of fact, the place that the bride and groom stayed while on their honeymoon was gotten by McLendon also. I had talked to him after talking to Friedlander, and McLendon went ahead and made arrangements for the boy and the gal to spend their honeymoon in a hotel known as the Sea View Hotel, where all expenses were paid for or were not paid for, I don't know how the agreement was between McLendon and the man who operated or owned the Sea View. However, that is where they stayed.

I also talked to McLendon about getting a case of whisky, and he told me where to go and pick it up.

Mr. BURLING. And you told High where the whisky had come from, did you not?

Mr. PATTON. Yes, I did.

Mr. BURLING. He knew perfectly well that it was contributed by gamblers?

Mr. PATTON. Yes, sir.

Mr. BURLING. The place where his son was to spend his honeymoon had been provided by gamblers?

Mr. PATTON. Yes.

Mr. BURLING. Did you at a later date go with Friedlander to meet a man named Rudy Levitt?

Mr. PATTON. Yes, I did.

Mr. BURLING. Was that at the Golden Shores Club?

Mr. PATTON. Yes, sir.

Mr. BURLING. And Levitt gave you \$200 at that time?

Mr. PATTON. Yes, sir.

Mr. BURLING. Is it the fact that you learned there was to be a raid on the Golden Shores soon after that?

Mr. PATTON. Yes, sir. There was sometime after that a raid conducted on it.

Mr. BURLING. And you called Levitt and tipped him off that the raid was about to take place?

Mr. PATTON. I had called him in order to tell him about it, and he informed me that he already had the information.

Mr. BURLING. Now, shortly after that, did Levitt come to tell you that he was interested in operating on one particular night rather late, and he wanted your assurance that it would be all right?

Mr. PATTON. Yes, he did, and they opened this one night. They opened up at 12 o'clock midnight when nobody was around, that is, patrolling, and they operated, and for that I received \$500.

Mr. BURLING. That is, he gave you \$500?

Mr. PATTON. Yes.

Mr. BURLING. Did Friedlander shortly after that call you and take you to the home of another gambler named Arthur Clark, Artie Clark?

Mr. PATTON. Yes; he did.

Mr. BURLING. Did Clark tell you that some special clientele of the Golden Shores Club was coming down from the North and they wanted to stay open one particular night?

Mr. PATTON. Yes; he did tell me that.

Mr. BURLING. Is it correct that he told you that some Friday night in the month of March would be the night?

Mr. PATTON. Yes; it was a Friday night that they wanted to operate on.

Mr. BURLING. You understood this was a very special occasion?

Mr. PATTON. Yes.

Mr. BURLING. In fact, they gave you \$3,000 on that occasion, did they not?

Mr. PATTON. That is right.

Mr. BURLING. And you split that how?

Mr. PATTON. I split that up with Deputy Brannon and Deputy Shields and myself. We each received \$1,000.

Mr. BURLING. Were you ever told who this special clientele was or were?

Mr. PATTON. No, sir.

Mr. BURLING. You have no knowledge of that?

Mr. PATTON. No, sir.

Mr. BURLING. Have you ever been told about any other occasion at this club, that is, the Golden Shores Club, when an exceptional amount of gambling went on in one night or two nights. First, have you ever been told such a story?

Mr. PATTON. Yes. Friedlander related to me a story that, perhaps, a week after the Golden Shores had opened, that a well-known oilman

had visited the place on several occasions, and had lost approximately \$800,000.

Mr. BURLING. Did he name the oilman?

Mr. PATTON. He did.

Mr. BURLING. What is his name?

Mr. PATTON. His name is Sinclair.

Mr. BURLING. Did he give you his first name?

Mr. PATTON. No, he didn't.

Mr. BURLING. All you know is that it was an oilman named Sinclair?

Mr. PATTON. Yes. He lost 800,000, and was supposed to have settled for half a million.

Mr. BURLING. That is what Friedlander told you?

Mr. PATTON. Yes. He told me that because at that time it seemed he was rather peeved with Artie Clark because of the fact that when they split the money up, why, he didn't receive his proportion of it, a good proportion of it, and he then and there swore, took a solemn oath, that Artie Clark would never operate any kind of a gambling establishment in Dade County because of that.

Mr. BURLING. Did I understand you to testify that the occasion in which this man Sinclair lost \$800,000 was the same evening that you received the \$3,000, or was it a different evening?

Mr. PATTON. That was a different evening.

Mr. BURLING. That was supposed to have happened about a week after the club opened up?

Mr. HALLEY. Pardon me; you never found out who this sucker was the night that you were paid the \$3,000?

Mr. PATTON. No.

Mr. HALLEY. Thank you.

Mr. BURLING. Did you learn that a gambler by the name of Sam Clark was operating a big horse book and card and skin games over at the 5 O'Clock Club on Miami Beach?

Mr. PATTON. Yes, I did.

Mr. BURLING. Did you receive bribes from him?

Mr. PATTON. On one occasion, yes, sir. The first time I met Sam Clark, I believe I received, it was either a \$50 bill or \$100 from him, and then later on, Friedlander told me that the place was going to operate, and the men had heard about it, and they wanted to make sure that Clark was paying off his end of it, and the arrangement was made that Sam Clark would pay us \$250 a week.

Now, I collected that amount on one occasion only, and Friedlander then told me that Clark was having a hard time of it, and he would like to see him operate. However, he could not pay anything at that time, so the man did operate without us receiving anything for it after that.

Mr. BURLING. You did agree to let Clark run without payment?

Mr. PATTON. Yes.

Mr. BURLING. Did you locate a handbook in the rear of the building at which the Famous Door is located at Twenty-third Street?

Mr. PATTON. I did.

Mr. BURLING. Did you find that it was operated by Harris Levinson and Jules Beeman?

Mr. PATTON. Yes, I did. That was their headquarters, this particular place. They were not operating openly or anything like that.

Of course, they were taking bets over the phone, and they more or less used that as a telephone headquarters for a while.

Mr. BURLING. Did you receive a bribe from Levinson?

Mr. PATTON. Yes, I did.

Mr. BURLING. How much, if you remember?

Mr. PATTON. I believe the first time I met the man he handed me \$75. Then, later on he and Julie Beeman opened a book in the hotel known as the Blue Horizon, which is in Surfside, and the agreement was that they would pay us, I believe it was either \$100 or \$200 a week, both for McLeroy and myself. However, we only received that payment one time because later on, as I went to make collections from Harris Levinson, he told me that he could not possibly afford to pay us, and also pay Friedlander, so I didn't receive anything out of him any more.

Mr. BURLING. Did you discuss this with Friedlander?

Mr. PATTON. Yes, I did.

Mr. BURLING. Is it a fact that he asked you to lay off this place as a favor to him?

Mr. PATTON. That is right; that is true, sir.

Mr. BURLING. Do you know a man named Raymond Craig?

Mr. PATTON. Yes, I do.

Mr. BURLING. Did you meet him through deputy Hughes?

Mr. PATTON. I did, sir.

Mr. BURLING. You and Hughes met Craig at the White Seal Bar; is that correct?

Mr. PATTON. That is correct, sir.

Mr. BURLING. And Hughes obtained \$200 from Craig at this time?

Mr. PATTON. Yes, he did. He wanted to make a loan. He was up against some difficulty and didn't know where to get the money, so we decided to call on Craig.

We met Craig at a bar known as the White Seal Bar, which is located immediately across from his place of business.

Mr. BURLING. Now, is it a fact that at that time the place which Craig operated, called the Turf Club Bar, had been enjoined from operating?

Mr. PATTON. Yes.

Mr. BURLING. Did you have a conversation with Craig about this?

Mr. PATTON. Yes, I did have a conversation with him about it, and at that time he told me that the Crime Commission of Greater Miami had approached him and asked him to withdraw his suit in the Supreme Court, and if he would do that, then they would draw up injunctions against the other gambling casinos in town, and he flatly refused to cooperate with them.

I later found out, of course, that the crime commission never did approach the man; that it was just something that he wanted to say and go on record as being a good Samaritan.

Mr. BURLING. Did he say to you that his political connections in Tallahassee would result in a reversal of the circuit court decision upholding the injunction?

Mr. PATTON. Yes, he did.

Mr. BURLING. He did not explain to you what his connections were there?

Mr. PATTON. No, sir.

Mr. BURLING. Had you been told at the time you started on the gambling squad that you ought to lay off any place that Craig was operating?

Mr. PATTON. I was not specifically told that by anyone in particular. I mean, it was just common knowledge known amongst the deputies that, well, this Raymond Craig was not to be bothered, because of the fact that he was well connected with the sheriff's office.

Mr. BURLING. Was he well connected with the sheriff's office or with the sheriff?

Mr. PATTON. I should say the sheriff.

Mr. BURLING. Going back to last spring, did the chief criminal deputy, High, send you and Deputy McLeroy around to the Kenilworth Hotel?

Mr. PATTON. No, sir; that was not the Kennilworth.

Mr. BURLING. How about the Sea View Hotel?

Mr. PATTON. Sea View Hotel; yes, sir.

Mr. BURLING. There you found a big horse book in full operation?

Mr. PATTON. Yes, sir.

Mr. BURLING. And you confiscated evidence, including \$1,561 in cash?

Mr. PATTON. Yes, sir.

Mr. BURLING. And the run-down sheets showed that bets up to \$1,000 were being accepted?

Mr. PATTON. Yes, sir; they did show it.

Mr. BURLING. Between \$50,000 and \$100,000 a day were being bet?

Mr. PATTON. That is right, sir.

Mr. BURLING. In addition to arrest, seizing the evidence and confiscating the money you arrested some men?

Mr. PATTON. Yes, sir; we arrested several men on that occasion.

Mr. BURLING. You did not arrest a woman?

Mr. PATTON. There was a woman there taking lay-off bets from the operators of that establishment. She was taking these bets for another source, and I later found out that she was working for a man by the name of McLendon. He later told me that had I arrested her that we would have found anywhere up to \$27,000 in cash that she had hidden upon her body.

Mr. BURLING. \$7,000 or \$27,000?

Mr. PATTON. \$27,000.

Mr. BURLING. After this raid did you have a talk with attorney Ben Cohen?

Mr. PATTON. It was during—shortly after the raid, that is, on the same afternoon, that the men that we arrested wanted to call their lawyer, and I let them, and the man they called was Ben Cohen. He, of course, asked them to put me on the telephone.

I went to the phone, and Mr. Cohen told me—he asked me, rather—if I knew what I was doing; and I told him I thought I was well aware of the fact as to what I was doing. He asked me then if I knew whose book it was, and I told him, no, and what's more I didn't care.

He then informed me that it belonged to Harry Russell, and I told him, "Well, that is just unfortunate, but I am taking the men in and booking them anyway."

Mr. BURLING. What happened to the \$1,500 in cash which you did find?

Mr. PATTON. Well, it was sometime after that—of course, they applied all the pressure they knew how through Friedlander, and the money was returned to Ben Cohen. I personally returned it to Ben Cohen, \$1,500 of it, I believe it was—yes, \$1,500—and he gave me back \$400, and he kept a hundred for himself, saying that, of course, he was not going to make anything on this case, and that he might just as well keep \$100 of it for himself.

Now, as to whether or not he ever returned the balance of the thousand dollars to the rightful owners, I do not know.

Mr. BURLING. At any rate, he gave you a bribe of \$400 to return the money to him?

Mr. PATTON. That is right.

Mr. BURLING. And you split that?

Mr. PATTON. With McLeroy.

Mr. BURLING. With McLeroy; is that right?

Mr. PATTON. That is right.

Mr. BURLING. Were these men that you arrested in the Sea View raid convicted?

Mr. PATTON. I believe they were, sir.

Mr. BURLING. But the confiscated money did not appear in evidence at that trial?

Mr. PATTON. That is right; only a small portion of it did, a very small portion.

Mr. BURLING. Also during the season 1950 did you raid a horse book at the Versailles Hotel?

Mr. PATTON. Yes; I did.

Mr. BURLING. And there you found about \$1,000; is that right?

Mr. PATTON. That is right.

Mr. BURLING. Is it a fact that Friedlander complained about this raid and asked for the money back?

Mr. PATTON. Friedlander and Russell both, and with the knowledge of—I mean, Claude High had knowledge of the fact that I was going to take this money back to them, and I returned it to them with the run-down sheets which they made copies of.

Mr. BURLING. That is to say they wanted the run-down sheets so that they could pay off winning betters?

Mr. PATTON. That is right.

Mr. BURLING. You let them copy the seized sheets?

Mr. PATTON. That is right.

Mr. HALLEY. You say with the knowledge of Claude High. Did you actually talk to Claude High about it yourself?

Mr. PATTON. Yes, I did.

Mr. HALLEY. And told him you were giving this money back?

Mr. PATTON. Yes, sir.

Mr. HALLEY. At the request of Russell and Friedlander?

Mr. PATTON. Yes, sir.

Mr. HALLEY. Claude High was then acting as the chief deputy?

Mr. PATTON. Yes, sir.

Mr. HALLEY. How could all this stuff be going on without Sullivan's knowing about it?

Mr. PATTON. I have often wondered about that, too, myself, Mr. Halley, but I don't know whether the sheriff knew about it or not. But if he did, he certainly didn't say anything, and if he didn't, why, it was just something that we were getting away with.

Mr. HALLEY. Did the gamblers indicate to you that Sullivan had been taken care of in some other way?

Mr. PATTON. Well, I have often asked Friedlander as to what the sheriff knew as to what was going on, and he asserted as much as to say, well, he knows of what is going on, "otherwise he would not be doing it."

Mr. HALLEY. It seems to me that the atmosphere must have been perfectly clear to you: either everybody was working very hard to hide this thing from the sheriff and the gamblers or telling you to be careful and not let the sheriff know it, or it was clearly understood that the sheriff knew what was going on, and was not interested in it.

Mr. PATTON. Do you want my honest opinion?

Mr. HALLEY. Yes, based on fact.

Mr. PATTON. Based on fact, I would say that the sheriff did know what was going on.

Mr. HALLEY. Everybody assumed he knew, in any event?

Mr. PATTON. Yes, sir.

Mr. HALLEY. Nobody took any pains to hide anything from him; is that right?

Mr. PATTON. No; and what is more, he never asked or never even bothered to find out what was going on, I mean, if he did not know it, so from that I assume that he knew what was going on.

Mr. HALLEY. Did he ever call you in and ask you how you were making out with your gambling squad?

Mr. PATTON. We have talked several times. He would always kid me about, "Well, why don't you bring in more men," especially if the town was closed down, and, why, of course, arrests were harder to make, and at various times he would jibe around a little bit and tell you, "What's the matter, you are slipping up; you are not getting any bookmakers," you see, but no one ever took him any too serious about it because they knew he was kidding about it.

Mr. HALLEY. Thank you.

Senator HUNT. Mr. Patton, on one page of your testimony you say:

I then asked Friedlander if he thought that Raymond Craig was going to pay the deputies the money because of his connections with the sheriff.

What did you mean by that question?

Mr. PATTON. Well, it was very evident that in the past Raymond Craig, although he operated and paid no one for operating except, perhaps, one or two deputies that he favored, no one ever dared to go ask him for any money; he then, at that time when I asked Friedlander that question and made that remark, he was operating a gambling house on the top of the Alcazar Hotel, in the penthouse, and some of the men wanted to know as to whether or not Craig and the other man connected with him was going to pay off on that, and that is how I asked the question of Friedlander. And, of course, there were other things that had happened in the meantime, and the answer that Friedlander gave me, of course, corresponded to something else.

Senator HUNT. But you evidently by that question understood and felt that Jimmy Sullivan was also getting his, but from another source.

Mr. PATTON. Yes, sir.

Senator HUNT. That was your opinion?

Mr. PATTON. Yes, sir.

Senator HUNT. Is that right?

Mr. PATTON. Yes, sir.

Mr. BURLING. Going back to the raid on the Versailles Hotel; of that \$1,000 that was received, you turned over the whole thing to Russell; is that right?

Mr. PATTON. Yes, I did.

Mr. BURLING. And he gave you back \$200?

Mr. PATTON. Yes, sir.

Mr. BURLING. You split this 50-50 with deputy Mullis?

Mr. PATTON. Yes, I did.

Mr. BURLING. Did you and McLeroy raid a horse-book run by Charlie Robertson at 2900 Northwest Fifty-fourth Street?

Mr. PATTON. Yes, we did.

Mr. BURLING. Did High tell you that there might be some kind of a trap to this raid?

Mr. PATTON. Yes. He called us in prior to giving us the search warrant for this place. He told us that we didn't have to go on this raid, specially he referred that to me. He told me that I didn't have to particularly go on this raid if I didn't want to because he felt it was a trap that was being set up in order to get me in on it; and when he told me that, of course, why, I told him that I would just as soon go on it.

Mr. BURLING. What kind of a trap did you understand he meant?

Mr. PATTON. Well, I didn't know. I didn't know at the time what he meant, and I didn't bother to ask him.

Senator HUNT. The chairman wishes to make a brief statement. Counsel, in questioning the witness, has framed his questions from the statement by the witness, which the witness at the start of the hearing testified was his statement, and was a true and correct statement.

It seems to me that nothing further can be gained by questioning the witness in detail with reference to a complete statement that he has already made, and that is a matter of record, and now in the record, and I think that having given the committee the opportunity to question the witness, and having gotten the full statement into the record, that it is more or less a repetition simply to ask these continuing questions with reference to what we already have in the record, and so if counsel have no further suggestions to make, the chairman is going to conclude this hearing.

Mr. Halley, do you have any further questions?

Mr. HALLEY. The purpose, as you said, Mr. Chairman, was to permit the committee to hear the witness answer the questions, so that the committee could judge for itself the veracity of the witness from his manner of answering questions, his demeanor, his poise or forthrightness or lack of forthrightness in answering the particular question.

Counsel thoroughly agrees with the chairman that that purpose has been served.

There is just one other question I would like to ask the witness at this time, and that is what was the total amount of money which you received yourself during the year in which you were in the sheriff's office?

Mr. PATTON. Mr. Halley—

Mr. HALLEY. I am now referring to bribes.

Mr. PATTON (continuing). That is bribes, pay-offs, and so forth?

Mr. HALLEY. Pay-offs.

Mr. PATTON. Mr. Halley, I would answer that by saying that from the month of January of 1950 up until the time I left the sheriff's office, I would say roughly approximately \$15,000.

Mr. HALLEY. That would be in how many months?

Mr. PATTON. How many months?

Mr. HALLEY. When did you leave the sheriff's office?

Mr. PATTON. The last of September.

Mr. HALLEY. In about 9 months. And the \$15,000 received by you are not inclusive of the money you gave other people; is that right?

Mr. PATTON. That is right.

Mr. HALLEY. What would you say you collected all together and split up among the other deputies?

Mr. PATTON. That would be hard for me to say, sir.

Mr. HALLEY. It would be many times \$15,000, would it not?

Mr. PATTON. Yes, it would be. Of course, there were instances where I received money where others didn't, too, you understand; so I know my partner, he probably has the same amount.

Mr. HALLEY. You say your partner got at least \$15,000, too?

Mr. PATTON. At least.

Mr. HALLEY. And then several other deputies got very substantial sums?

Mr. PATTON. They all fared pretty well in that deal.

Mr. HALLEY. You would say you collected well over \$50,000 all together, then, would you not?

Mr. PATTON. I would not want to go on record as saying \$50,000. I would say close to it, I imagine.

Mr. HALLEY. Close to \$50,000?

Mr. PATTON. Yes.

Mr. HALLEY. Of course, what you collected was just the pay-off of the deputies in the sheriff's office?

Mr. PATTON. That is right.

Mr. HALLEY. It is your understanding that the police were getting separate pay-offs?

Mr. PATTON. That is right.

Mr. HALLEY. And a great many other people had to be taken care of?

Mr. PATTON. That is right.

Mr. HALLEY. And all this was going on rather openly and flagrantly, and nobody objected; is that right?

Mr. PATTON. There were no objections.

Mr. HALLEY. And you are a fairly alert, bright man, working in Miami for just a few months, and you soon learned where the gamblers were, where they operated, and what they were doing; is that right?

Mr. PATTON. I caught on rather fast; that is right.

Mr. HALLEY. The sheriff could not help knowing about it, if he was alert?

Mr. PATTON. To that, Mr. Halley, I would say the sheriff knew about it, but I don't know what he could have done about it, because over a period of years that he has been connected with these people, I don't see what he could do to help himself.

Mr. HALLEY. You mean the thing had gotten so far advanced, so many people were in on the pay-off, that no one person could even begin to put a dent into the situation?

Mr. PATTON. Well, up until this present grand jury went into session, Mr. Halley, everything seemed to be pretty well for the men operating down there, and evidently they didn't have any fear of any previous grand jury. The only time they were frightened at all was when the Kefauver committee first made their appearance down in Miami, the grand jury went into session, and that is the only time when they were frightened at all as to what might happen.

Mr. HALLEY. When were you last in Miami?

Mr. PATTON. Pardon, sir?

Mr. HALLEY. When were you last in Miami?

Mr. PATTON. I left Miami about the 2d of November, or perhaps the 5th of November, I am not sure.

Mr. HALLEY. Would you say that the gamblers are planning to open again this winter?

Mr. PATTON. If they do, Mr. Halley, they are rather foolish.

Mr. HALLEY. The heat is on?

Mr. PATTON. The heat is on, and it should stay on, and I believe it should stay on because I believe the thing has come to a head down there now. They had a grand jury that was not afraid of anyone as to who they were, and they did a grand job down there. They indicted those that were responsible for it. I presume, perhaps, that I should have been one of them, but when I went before the grand jury I did not ask them for any favors. As a matter of fact, I didn't ask for immunity. They took it upon themselves to grant me the immunity, and I gave them whatever they needed to corroborate with what they had.

Mr. HALLEY. How many deputy sheriffs have been indicted?

Mr. PATTON. All those that I had mentioned previous to this. Of course, when I did go before the grand jury, I approached several of them, and I told them that they had an opportunity to go before the grand jury and receive the same immunity, and to clear themselves so that they wouldn't have anything to worry about, and at least take a little bit of credit for having done something for the community. But, when I did talk to them, all they would tell me was, well, anything they would have to tell the grand jury would be strictly hearsay.

I can say this, I can't very well blame the men for taking any part in what they were doing. It is very evident that it had been going on over a period of years, and when you take a deputy sheriff, who is only making \$225 a month, why then, any opportunity that comes along to make a few dollars, you can be assured that they will take that opportunity well in hand.

Mr. HALLEY. Well, Mr. Patton, you had a fine record in the war, you certainly went to Miami with the intention of earning an honest living. How do people get into the kind of situation you got into? Is it impossible to have an honest sheriff's office down there?

Mr. PATTON. Well, Mr. Halley, only being in Miami 4 years and not knowing the conditions as to what they were previous to my going there, I wouldn't know how to answer you truthfully, but I honestly think that they can have a good sheriff's office down there, and law enforcement can be of the best, but they will certainly have to make amends somewhere along the line to pay those policemen and deputy

sheriffs something to live on, something which they would not have to depend on getting from a gambler or racketeer.

Mr. HALLEY. Would it help if the deputies felt that their superiors, the police and other law-enforcement officers, were also on the square?

Mr. PATTON. Yes; it would help; and it would also help if they had somebody at the head of those departments who knew what law enforcement was and would see to it that it was carried out as law enforcement rather than just on a hit-and-run basis.

Mr. HALLEY. I presume that the reason you felt willing to take bribes and do the things you did was that you were given to understand by Friedlander, and Ben Cohen, and Harry Russell that they were, in effect, running the sheriff's office anyhow; is that right?

Mr. PATTON. Well, that is the way it was indicated, and that is the way it looked to me.

Mr. HALLEY. They told you they wanted you on the gambling squad, and you were appointed on it; is that right?

Mr. PATTON. That is right.

Mr. HALLEY. You were a relatively new man?

Mr. PATTON. I was very much a new man.

Mr. HALLEY. And they expressed satisfaction that they had gotten you on; is that right?

Mr. PATTON. That is right. Of course, I was later on given the impression to understand that my being put on the squad was because of the help that I had given Crosby, and the fact that he had made a good report to the Governor, and because of the help that I had given him, and it is also my understanding, sir, that perhaps a man by the name of Johnston, whom I do not know—

Mr. HALLEY. Bill Johnston?

Mr. PATTON. That is right.

Mr. HALLEY. What about Bill Johnston?

Mr. PATTON. Well, I understand that Harry Russell, "Bing" Crosby, and Johnston, I mean, know each other pretty well, are personal friends, and it was indicated that perhaps Bill Johnston had something to do with my being appointed, and for a while there in Miami everybody around town was talking of the fact that I was Johnston's man.

Mr. HALLEY. That is because you helped this man promptly raid the S. & G. locations; is that right?

Mr. PATTON. That is right.

Mr. HALLEY. And everybody understood, that is, everybody in the gambling fraternity understood, that Crosby's raids were to enable Russell to muscle into the S. & G.; is that right?

Mr. PATTON. It came to light later.

Mr. HALLEY. And Russell succeeded in muscling in; is that right?

Mr. PATTON. That is right.

Mr. HALLEY. Then Ben Cohen introduced you to him as the head man?

Mr. PATTON. That is right.

Mr. HALLEY. And Russell arranged the payoffs?

Mr. PATTON. That is right.

Mr. HALLEY. And you later learned that Russell was very close to Bill Johnson; is that right?

Mr. PATTON. That is right.

Mr. HALLEY. Who told you that?

Mr. PATTON. Well, certain people there that I had met on the Beach; I mean various people had seen him at the Miami Beach Kennel Club, sitting with Johnston in his box.

Mr. HALLEY. Can you name some of these people?

Mr. PATTON. Offhand, no sir. I mean there have been too many of them to relate, I mean to tell.

Mr. HALLEY. It is common knowledge?

Mr. PATTON. It is common knowledge; yes, sir.

Mr. HALLEY. Did the cutoff of the wire service tie into this effort of Russell to muscle into the S. & G.?

Mr. PATTON. At the time that Crosby made his appearance in Miami the wire service was cut off for a short time.

Mr. HALLEY. And it was the understanding among the gamblers that was also pressure on the S. & G.?

Mr. PATTON. Yes, sir.

Mr. HALLEY. You found while you were on the Miami Beach police force the same attitude on the part of the policemen to take graft and to protect the gamblers; is that right?

Mr. PATTON. Yes, sir.

Mr. HALLEY. In fact, you received a few small payoffs yourself, you testified?

Mr. PATTON. Yes, sir; and I was later on reprimanded when I made that statement in regard to that floating crap game, when I first reported it to the lieutenant in charge of the night shift. I told him about it, and, as I said, he told me to "take what you can get and just mind your own business," and a few days later, why, that same lieutenant and I made the raid on that place one bright morning, confiscated a large crap table.

Later on, at the station house one night, prior to going on duty, why, the chief of police made an appearance and gave a little talk to the men, and I was very much reprimanded for knowing that a crap game was going on on my beat and not doing anything about it, and I can honestly and truthfully say that I believe I received that reprimand in front of these men only to cover up on the chief's behalf, that is all.

Mr. HALLEY. The fact is that it would do no good to pay off the sheriff's men unless they were also protected by the police department; isn't that right?

Mr. PATTON. That is right.

Mr. HALLEY. Didn't somebody tell you that 3 or 4 hundred people were being paid off on payoff day?

Didn't Friedlander say that payoff day included 3 or 4 hundred people, or was it George Bowers?

Mr. PATTON. George Bowers made the remark as to how easy it was to make the fix in Dade County, and at one time he had handled 2 or 3 hundred men insofar as paying off was concerned.

Mr. HALLEY. I think that is all I have, Mr. Chairman.

Is there anything else, Mr. Burling?

Mr. BURLING. I do not have anything else.

Senator HUNT. I want to ask one more question. Aside from the city police force, and aside from the sheriff's office, of course, what was the attitude of the citizens of Miami and Miami Beach toward gambling, those who live there and make it their home?

Mr. PATTON. I would say that is a 50-50 proposition, sir. You have people that go up in arms the moment anyone says anything about the sheriff's office or the Miami Police Department or the Miami Beach Police Department not enforcing the gambling laws. They always say that the newspapers are persecuting the officials of the departments.

Then there are, too, people who would like to see a good, clean city, and I think now the greater portion of that city of Miami has come to life, and is going to do something about it, and they are pretty well started about it.

Senator HUNT. In other words, you think the clean element predominates now, and in the past that has not been the case?

Mr. PATTON. Pardon me, sir?

Senator HUNT. You think the citizens who want a clean government are now in the majority, while, prior to the Kefauver investigation, you feel that the opposite was true, those who favored gambling were in the ascendancy; is that correct?

Mr. PATTON. That is true, because you see, Senator, an ordinary citizen down there doesn't know exactly what is going on. I mean you people come down to Miami and expose a good many things that the people down there ordinarily would not know about, and would never hear about it. If a body of people did not come down there and exposed it for them, they would not hear about it, and if it was not for a grand jury like they had down there at this past term, they still would not know a good deal about what was going on.

Senator HUNT. When you were down in Miami and got this position in the police department, were you given to understand in conversation with your fellow officers, well, this is being done, this is the thing to do, it has always been done, it is expected to be done, and that that is the reason you fell in with it?

Mr. PATTON. Yes, sir.

Senator HUNT. Was that the attitude you ran into?

Mr. PATTON. That is the attitude I ran into. However, that was not the attitude that I ran into when I first got into the police department. I thought I was going to be a policeman.

Senator HUNT. That was not your attitude when you first went in there, but it was the attitude of the police department when you first went into it?

Mr. PATTON. Yes, sir.

Senator HUNT. Thank you.

The committee hearing is adjourned.

(Whereupon, at 11:10 a. m., the hearing was adjourned, to reconvene subject to call.)

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE COMMERCE

THURSDAY, DECEMBER 28, 1950

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE,
Tampa, Fla.

EXECUTIVE SESSION

The committee met, pursuant to call of the chairman, at 11 a. m., in the United States Courthouse in Tampa, Fla., Senator Lester C. Hunt, presiding.

Present: Senator Hunt.

Also present: Downey Rice, assistant counsel; Alfred M. Klein, assistant counsel.

Senator HUNT. The committee will come to order. Mrs. DiLorenzo, do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. DiLORENZO. I do.

TESTIMONY OF MRS. ANTHONY DiLORENZO, TAMPA, FLA.

Senator HUNT. If you will give us your full name, please—

Mrs. DiLORENZO. Mrs. Anthony DiLorenzo.

Mr. RICE. Your maiden name was Brownlow. Is that right?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. You live at 506—

Mrs. DiLORENZO. East Park Avenue.

Mr. RICE. East Park Avenue, in Tampa?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. You are married and have two children?

Mrs. DiLORENZO. Yes, sir; that's right.

Mr. RICE. One a girl of 18?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. And the other a boy of 10?

Your 18-year-old daughter is married to Marvin H. Gardner?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. Who is an Air Force sergeant?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. Located at MacDill Field?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. He lives at 107 East Ross Avenue in Tampa?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. They have a little child, do they not?

Mrs. DiLORENZO. Yes.

Mr. RICE. The Gardners?

Mrs. DiLORENZO. Yes; 1 month old.

Mr. RICE. A 1-month-old baby?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. Your husband is Anthony DiLorenzo?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. You married him how long ago?

Mrs. DiLORENZO. December 24, 1930.

Mr. RICE. Now, what was he doing at that time; what sort of work?

Mrs. DiLORENZO. He was working with R. T. Joughin.

Mr. RICE. What was he doing there?

Mrs. DiLORENZO. He was working as his deputy.

Mr. RICE. For whom?

Mrs. DiLORENZO. R. T. Joughin.

Mr. RICE. As a deputy sheriff?

Mrs. DiLORENZO. Deputy sheriff.

Mr. RICE. Going back to December 1948, you filed an action for divorce?

Mrs. DiLORENZO. Well, I found it all along, but I was afraid to try it.

Mr. RICE. What?

Mrs. DiLORENZO. I found it all along, but I was afraid to try it, and I got to where it didn't make any difference one way or the other—it made no difference whether I lived or died. The doctor said I wouldn't live a month if I didn't.

Mr. RICE. Who was your attorney?

Mrs. DiLORENZO. Umstot, J. Frank Umstot.

Mr. RICE. At that time what was Anthony, your husband, doing?

Mrs. DiLORENZO. He was working for Culbreath.

Mr. RICE. As a what?

Mrs. DiLORENZO. Well, at that time on his card was "Special Duties," but they changed it later to an investigator.

Mr. RICE. How much money did he make?

Mrs. DiLORENZO. He told me he was getting \$200 a month.

Mr. RICE. \$200 a month?

Mrs. DiLORENZO. Yes, sir. Wait just a minute. That was at the time I left him. You want at the time I left him?

Mr. RICE. Yes, December 1948. Since that time has he been paying you support money?

Mrs. DiLORENZO. He has, since January 1, 1949. January 1 of 1949 was when he started paying me.

Mr. RICE. Although you live apart, you see him almost daily?

Mrs. DiLORENZO. I have seen him almost daily since my daughter had the baby, but before that I hadn't seen him for quite a while.

Mr. RICE. What were his duties? What did he do in his work? Did he go to work in the morning and come home in the evening, or what did he do?

Mrs. DiLORENZO. He was in and out, mostly waiting to be called and told what to do.

Mr. RICE. Who called him and told him what to do?

Mrs. DiLORENZO. You mean since I left him?

Mr. RICE. Who instructed him? Who guided him in his job?

Mrs. DiLORENZO. Wait a minute before you put that down. After I left him I was living at one place and he was living at another. My daughter was home and she answered the phone after I left there. I left him April 8 of 1948, but I didn't file suit for divorce until December.

Mr. RICE. What I am trying to get is who guided him; who instructed him what to do in these jobs he had?

Mrs. DiLORENZO. Well——

Mr. RICE. Who called the house to tell him?

Mrs. DiLORENZO. Let me think.

Mr. RICE. Here is what we are trying to get at: The story of what the man did, how he worked, who called him, who told him to do it. Do you understand that?

Mrs. DiLORENZO. Well, on October 1, 1947—I won't say it was exactly that date that he got his commission, but around that time—Italiano is the one that told him the sheriff would give him a commission to do special duties. He was hanging around the sheriff's office quite a bit of that time, in and out, also the county jail. Sometimes Italiano would call him.

Mr. RICE. Did you say sometimes Italiano would call him there?

Mrs. DiLORENZO. Sometimes Culbreath would call him.

Mr. RICE. What actually hapened? How did that work? Was it Italiano that called or was it Culbreath?

Mrs. DiLORENZO. They both called him there.

Mr. RICE. Did you answer the phone sometimes?

Mrs. DiLORENZO. I have answered the phone a lot of times when it was Italiano. I know I have answered the phone a lot of times when he called, but right at that particular date——

Mr. RICE. The dates are not particularly important, Mrs. DiLorenzo. What happened is what we are interested in. We are not pinning you down to dates or anything like that, but, in general, was it a proposition where sometimes Italiano would call and sometimes Culbreath would call?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. And after he would receive a call he would go out and do something?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. What would he do? What was your impression of what he was doing as a result of these telephone calls? What were his duties?

Mrs. DiLORENZO. Well, he was checking different places for them, different bolita places.

Mr. RICE. These were gambling places, bolita places?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. By "checking" what do you mean?

Mrs. DiLORENZO. I really don't know how to explain myself.

Mr. RICE. But his job seemed to be that he would go to different gambling places?

Mrs. DiLORENZO. That's right; all gambling peddlers, yes.

Mr. RICE. Did he tell you what he was doing when he went there?

Mrs. DiLORENZO. No, not exactly.

Mr. RICE. Was he collecting from them or was he arresting them?

Mrs. DiLORENZO. He was just more of a go-between between the underworld and the law, as a messenger between those.

Mr. RICE. He was a go-between?

Mrs. DiLORENZO. Yes. That's my way of explaining it.

Mr. RICE. You never went with him at any time after he got the telephone calls, did you? Did you go around to any of these gamblers with him, personally?

Mrs. DiLORENZO. Do I have to answer that?

Mr. RICE. The only way we are going to get to the bottom of this thing and understand the story is to know the full details. There doesn't seem to be much point in telling part of the story and not all of it.

Mrs. DiLORENZO. Yes; I have been to plenty of them.

Mr. RICE. What did you do when you would go to one of these gamblers or gambling places?

Mrs. DiLORENZO. I would stay in the car.

Mr. RICE. What?

Mrs. DiLORENZO. I always stayed in the car. I have never been inside of one of them.

Mr. RICE. What would he do?

Mrs. DiLORENZO. He would get out and go in and talk with them.

Mr. RICE. Can you remember some of these places where he went? Did he go to see Primo?

Mrs. DiLORENZO. Yes. He went to the Yellow House plenty of times. It was on Fifteenth Street and Eleventh Avenue.

Mr. RICE. Who runs the Yellow House?

Mrs. DiLORENZO. Primo Lazzara at that time. It isn't now. Afterward; I don't know.

Mr. RICE. Sometimes when you went to these places like the Yellow House, did he tell you that he had instructions to tell them to close down temporarily?

Mrs. DiLORENZO. When anything would happen they would close them all down. He has even called them by phone and told them.

Mr. RICE. When he called them on the phone, what did he tell them?

Mrs. DiLORENZO. To wait for further orders.

Mr. RICE. Then what would happen? He would tell them to wait for further orders, then what would happen next?

Mrs. DiLORENZO. When everything would quiet down they would start selling again.

Mr. RICE. Tell us a little bit about the guns that your husband had, what he did with them and where he kept them?

Mrs. DiLORENZO. Well, I can't remember exactly when he got them.

Mr. RICE. Well, he had—

Mrs. DiLORENZO. He has had them quite a few years, though. Some of them he kept home. Some of them he kept at his brother-in-law's.

Mr. RICE. When you say "home," where do you mean? At his home?

Mrs. DiLORENZO. His home.

Mr. RICE. Which is at 1910½ Tenth Avenue?

Mrs. DiLORENZO. Yes.

Mr. RICE. Where he lives alone?

Mrs. DiLORENZO. Yes.

Mr. RICE. And some he kept at his brother-in-law's: Is that Salvatore Zambon?

Mrs. DiLORENZO. Zambon, Z-a-m-b-o-n.

Mr. RICE. He is a shoemaker, living at 3718 Thirteenth Street?

Mrs. DiLORENZO. Yes; he is a shoemaker by trade, but right now he is working in the schools.

Mr. RICE. Did he have a sawed-off shotgun?

Mrs. DiLORENZO. Yes, he did.

Mr. RICE. Where did he keep that?

Mrs. DiLORENZO. He used to keep that home.

Mr. RICE. Do you make a distinction between a sawed-off shotgun and a regular shotgun? What is the difference between them?

Mrs. DiLORENZO. It is, I would say, about that long. [The witness indicated with her two extended hands.]

Mr. RICE. Indicating about 2 feet as being the sawed-off shotgun?

Mrs. DiLORENZO. That's as near as I could tell you.

Mr. RICE. How long would the other gun be?

Mrs. DiLORENZO. Just a regular length shotgun.

Mr. RICE. A regular long-barreled shotgun?

Mrs. DiLORENZO. Yes.

Mr. RICE. How about revolvers or pistols? Does he carry a revolver or pistol?

Mrs. DiLORENZO. He usually carries two.

Mr. RICE. He usually carries two?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. Where does he carry them on him?

Mrs. DiLORENZO. Well, he never carried but one at a time on him.

Mr. RICE. Does he keep one in the glove compartment of his car?

Mrs. DiLORENZO. In the glove compartment.

Mr. RICE. The other one he carries where? In his pocket?

Mrs. DiLORENZO. Yes.

Mr. RICE. Which pocket?

Mrs. DiLORENZO. In the daytime he carries it in his hip pocket. At night he usually has a holster to carry the larger one.

Mr. RICE. Did there come a time when he left a revolver at the home of his son-in-law?

Mrs. DiLORENZO. My son-in-law told me he left it there. He didn't tell me.

Mr. RICE. How long ago was that your son-in-law told you?

Mrs. DiLORENZO. When my daughter was in the hospital he took the gun out and showed it to me and asked me what to do with it. He was afraid to keep it there. He said he was going to get rid of it, that he was afraid my husband might try to frame him, knowing how he feels about it, because they have had quite a few words in the short time that they have been married.

Mr. RICE. Let's try to fix the time that that happened. Can you tell what month that was that he left that revolver with your son-in-law? Do you know when your daughter was in the hospital?

Mrs. DiLORENZO. Yes.

Mr. RICE. When was that? Was it about 2½ months ago, or 3 months?

Mrs. DiLORENZO. I would say about that; yes.

Mr. RICE. Do you ever remember Santo Trafficante calling for him on the telephone?

Mrs. DiLORENZO. I can't remember answering the phone when he called, but he told me that it was him that called.

Mr. RICE. Do you remember when James Velasco was killed?

Mrs. DiLORENZO. I remember very little about it.

Mr. RICE. Where was your husband when that happened? Do you know?

Mrs. DiLORENZO. Around the 18th of October I stopped him from coming to my mother's at all, and I had never spoken to him until I met him in court.

Mr. RICE. That was in December, and Velasco was killed in December?

Mrs. DiLORENZO. That's right. I never talked to him from——

Mr. RICE. Where was your husband the night of the Velasco killing, if you know?

Mrs. DiLORENZO. I don't know. I couldn't say. I haven't the slightest idea.

Mr. RICE. Did you hear where he was that night? Did your daughter tell you anything about where he was that night?

Mrs. DiLORENZO. No.

Mr. RICE. Where were the children?

Mrs. DiLORENZO. They were with him, and he wouldn't even let me see them or as much as let me speak to them at that time. He wouldn't even let me talk to them over the phone.

Mr. RICE. Later on did your daughter tell you anything?

Mrs. DiLORENZO. Yes.

Mr. RICE. What did she tell you?

Mrs. DiLORENZO. That their father taken them to the movies, about him taking them to the movies and leaving them there.

Mr. RICE. And doing what? Staying with them?

Mrs. DiLORENZO. No. He left them there and they walked home. He didn't go back and pick them up.

Mr. RICE. Just before Jimmy Lumia was killed, did your husband tell your daughter where he was going to be that day?

Mrs. DiLORENZO. You mean the day he was killed?

Mr. RICE. Yes.

Mrs. DiLORENZO. He told her not to call him before 11 o'clock because he had work to do.

Mr. RICE. How was he acting just before Lumia was killed? What did he say? How did he talk?

Mrs. DiLORENZO. Well, he told me that someone was going to be killed. He said something about they had him on a spot, that there wasn't any other way out, that he had to do it or he had to do the job—something in those words. He didn't say he had to do the killing but he said he had a job to do.

Mr. RICE. Tell us in your own words all you know about the Lumia situation before it happened and what happened right afterward?

Mrs. DiLORENZO. I'm trying to think.

Mr. RICE. Did he say anything a couple of weeks before?

Mrs. DiLORENZO. Yes; he said someone was going to get it—"I am on the spot." He said he had to do what they said to do because he was in it so deep that he couldn't get out. He said he was in it too far, and he said, "Once you are in there is no out."

Mr. RICE. Then what happened next?

Mrs. DiLORENZO. He went over it for several weeks, and just going over and over what he was afraid was going to happen, that it had to happen.

Mr. RICE. Did you see him on the morning of the killing?

Mrs. DiLORENZO. I was with him the night before he was killed, in the hospital at Drew Field. My daughter told him she was going to be released from the hospital. He told her not to call before 11 o'clock because he had something to do. They released her early, and she called me up at my mother's. My son-in-law called, not my daughter. He asked me to get in touch with my husband, that he had been trying to, but the line was busy. I kept trying to get hold of him, but the line was still busy and I couldn't get him. I don't know exactly what time it was that I did get him, but he seemed very excited. He couldn't talk. He told me, "I'll be over later." He wouldn't talk to me.

Mr. RICE. This was in the morning?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. About what time? When did you first see him that morning, actually see him?

Mrs. DiLORENZO. That was the first time I seen him, when he came over. He couldn't talk. He seemed excited, and then he came over. That was the first time I seen him that morning.

Mr. RICE. What happened when he came? What was he saying or doing?

Mrs. DiLORENZO. He was in a hurry. He told me to hurry up. I wasn't quite ready to go, and he kept rushing me, telling me to hurry. He seemed in a very big hurry to get out of the house.

Mr. RICE. Was he excited?

Mrs. DiLORENZO. Very much so, very.

Mr. RICE. What did he do next? Did he leave?

Mrs. DiLORENZO. I went with him to the hospital to pick up my daughter. When I got out there they had released her and she had left the hospital. We had to go several times around the hospital before we found her, and he was very excited and seemed angry that she had left the hospital and not stayed where she was supposed to be. When we found her she got in the car. She asked him to take her to Milan's Drive-In, and he told he couldn't, that he was in a hurry, he had to go see someone, and that he would come back later. He left us at my mother's home.

Mr. RICE. What did he have to say about the Lumia killing? You had found out about that, hadn't you?

Mrs. DiLORENZO. Up until then I didn't know. When he left us there at my mother's home, my brother called me and told me that there had been a killing and told me who it was. A few minutes later, he called back.

Mr. RICE. You mean your husband called back?

Mrs. DiLORENZO. Yes.

Mr. RICE. What did he tell you about the Lumia killing that day? What did he say about it?

Mrs. DiLORENZO. When he called me he told me that all hell had broke loose, that there was going to be plenty of trouble.

Mr. RICE. Did he say who did it?

Mrs. DiLORENZO. Well, in the conversation we asked if it were local people wouldn't they have been recognized, because we had

heard there was someone with them that was a Tampa man, and he says, "When they get through with them, not even their own mother would recognize them."

Mr. RICE. My point was this: What did he say about who did it?

Mrs. DiLORENZO. Then, in talking on, talking about they had to be a good shot to do it, he says, "Well, when they want a job done and done right, there is only one man for the job, and that is Carl Walker."

Mr. RICE. Who is that?

Mrs. DiLORENZO. Carl Walker.

Mr. RICE. Who is Carl Walker?

Mrs. DiLORENZO. When I first knew him he was a deputy for Jerry McLeod.

Mr. RICE. Was he the deputy who was involved in the killing of Joe Bino?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. In a scuffle outside the sheriff's office?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. What were you told about that killing?

Mrs. DiLORENZO. That Joe Bino was mixed up in different matters here and that he was the one that shot at Charlie Wall, but that they could get no proof of it, they couldn't prove it, and that he was a dangerous man to have around and that they had to get rid of him.

Mr. RICE. Who told you this?

Mrs. DiLORENZO. My husband.

Mr. RICE. Your husband?

Mrs. DiLORENZO. Yes, sir.

Mr. RICE. What did he tell you about Carl Walker and Joe Bino? Did he tell you that that was an accident, that Joe Bino was killed? What did he tell you?

Mrs. DiLORENZO. They had to get a man to do the job that wouldn't mind it, because he had done it before in another county. That I know nothing about. It was supposed to have happened in another county. He was some kind of a law enforcement officer when it happened.

Mr. RICE. Were they talking about Carl Walker, Mrs. DiLorenzo?

Mrs. DiLORENZO. Yes, sir. There is so much, so far back, that I am very confused.

Mr. RICE. What did your husband tell you about the Mafia? Did he tell you there is such a thing?

Mrs. DiLORENZO. There is such a thing. That is one thing he never talked much about, or no one else. Only the ones inside know who they are.

Mr. RICE. Was anything said about Lumia being killed as a result of Mafia activity?

Mrs. DiLORENZO. He said—it was 10 years back—that he was getting too big and someone had to stop him. If I could remember the whole conversation—

Mr. RICE. Do you know how your husband has been paid in the last 2 years?

Mrs. DiLORENZO. From the time he first got the commission, Culbreath paid him up until I went to court. After that Italiano paid him. He would go out on Grand Central and collect, but he would always call Italiano from my mother's and ask him if the sheriff had

called him and give him orders. He wouldn't pay off until Mr. Culbreath called him and told him. I have been with him out there when he would collect.

Mr. RICE. Have you seen Italiano give him pay envelopes or cash?

Mrs. DiLORENZO. It was always cash. He always had it in an envelope. It was cash.

Mr. RICE. Did you see Italiano hand it to him?

Mrs. DiLORENZO. I couldn't say he handed it to him, because it was just inside of the door. I know Italiano was in there. He usually walked to the door with him, but he would come out and open the envelope after he got in the car.

Mr. RICE. What would be in the envelope?

Mrs. DiLORENZO. The \$200.

Mr. RICE. In telling us these things, Mrs. DiLorenzo, what is your feeling toward the matter? Do you have any malice toward your husband? Is it something that you feel that you would like to unburden yourself of?

Mrs. DiLORENZO. No, sir, I have no malice. I am doing all I can so that my child won't have to be raised in a city like Tampa.

Mr. RICE. Mrs. DiLorenzo, please understand that the subpoena which has been served on you is being kept in effect, and you will continue to be under subpoena, subject to the further call of the committee, even if the committee leaves Tampa. Do you understand?

Mrs. DiLORENZO. Yes, sir.

Senator HUNT. The hearing will adjourn.

(Whereupon, the hearing was adjourned, subject to the call of the Chair.)

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE COMMERCE

FRIDAY, DECEMBER 29, 1950

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE,
Tampa, Fla.

The committee met, pursuant to call of the chairman, at 9 a. m., in the United States courthouse in Tampa, Fla., Senator Lester C. Hunt presiding.

Present: Senator Hunt.

Also present: Downey Rice and Alfred M. Klein, assistant counsel; George Martin and Ralph Mills, investigators.

Senator HUNT: The committee will come to order.

This hearing is called pursuant to a resolution of the United States Senate designated No. 202 of the Eighty-first Congress, second session. It was adopted May 3, 1950. This resolution sets up a special committee of five members of the Senate to make an inquiry into existing organized crime and an examination of the manner in which it operates; to study its effects upon the public and also to look into its employment of channels and vehicles of interstate commerce.

The purpose of the inquiry is to determine to what extent organized crime cuts across State lines and what Federal legislation is proposed or will be proposed by this committee to curb such criminal operations.

The committee has held hearings in a number of cities throughout the Nation during the past 6 months and it has definitely established through competent witnesses that criminal gangs are in operation and that they conduct their activities without regard for State and without regard, in some situations, for national boundaries.

The amount of money taken from the public in these operations is estimated to be \$15,000,000,000 per year. I want to emphasize that I have said the amount of money taken from the public, not the amount of money that is involved on the transaction. I might add too for the benefit of the public since this is an open hearing that that take amounts approximately to the same amount as the Federal Government has expended in each of the past 2 years, '48 and '49, in the defense of America, in the expenditures of our military establishments.

In a number of cities in other States, and in this State, previously under investigation by the committee, it is noted that criminal activities tied in to some extent with individuals operating in Tampa.

When the police seized the effects of Jack Dragna, a notorious California hoodlum, they found the telephone numbers of Santo Trafficante, Sr., and James Lumia, who was a recent victim of Tampa's prevalent gang murders, I think in the ratio to population of any other city

in the United States, and over a period of years the United States Bureau of Narcotics found in its investigation of the dope traffic in Kansas City, Mo., that Tampa criminals are key figures in the organized narcotic trade. Tampa is also believed to be a principal receiving point for dope smuggled into the United States from abroad.

To New Orleans has been traced the weapon employed in another of Tampa's considerable list of gang murders. There is also reliable information that much of the criminal business that goes on in Tampa is hatched up in New Orleans and is carried out here in Tampa in accordance with orders from New Orleans.

This is not a definite and complete list of Tampa crime connections with interstate links, in fact, it is only a small sample, but these are some of the things that caused the committee to turn its attention to this city.

Our representatives have been working here for a number of weeks and the evidence they have been able to obtain will be presented here at this hearing today and tomorrow.

At a formal meeting of the Senate committee a resolution was duly adopted authorizing the chairman, Senator Estes Kefauver, to appoint a subcommittee of one to conduct the hearing here and to take the sworn testimony of witnesses. Senator Kefauver, pursuant to that resolution, has designated me as a subcommittee to execute my duties under that appointment; I shall hold the hearings as previously stated here in Tampa today and tomorrow. It should be understood at the outset that the purpose of this committee is not to investigate the conduct of local government or to inquire into crime that has no interstate aspect. Local government is a matter completely in the hands of local citizenry. It can be as good as they want it and it can be as bad as they allow it to be. When, however, there appears to be organized crime on an interstate basis, when it further appears that the situation involves negligence or corruption on the part of local governmental officials, such a situation cannot be ignored or disregarded by this committee and should have a full airing in public hearings.

The fact that a person has or has not been subpoenaed to appear here should carry no implications of any kind. This is not a prosecuting body. Our sole objective is to obtain information to be relayed to the United States Senate for its guidance in formulating legislation on the subject of crime.

Our committee has also made it a policy to turn over to local law enforcement officials the information it obtains through the investigation for such action as may be called for by the evidence, which has been done elsewhere in the United States and holds good, of course, here for Tampa.

Our staff members have advised me that there are a number of witnesses, all residents of Tampa, for whom subpoenas have been issued, but who have absented themselves from their homes and their usual haunts, obviously it would appear, to dodge and prevent services of subpoenas for them. These names, I think, have been made public. By thus obstructing the duties and the functioning of this committee of the Senate they mark themselves as persons disinterested in general public welfare, if not worse. I need not add that their actions will not be forgotten at the close of this hearing. The committee staff, aided by other governmental investigative and law enforcement agen-

cies, will continue to press the search for them, and I will say, continue to press relentlessly. They do themselves no good by hiding. I call upon them now to present themselves here to give the information we need in this effort to curb the national menace of crime. I also call upon the members of their respective families, who undoubtedly know their whereabouts, to urge them to come forth and do their duties as citizens of the United States.

The chairman is pleased this morning to call as our first witness the president of the American Bar Association and a distinguished citizen of Tampa. We are pleased at his appearance as a witness because the legal fraternity have a very great stake in the enforcement of law. They have tremendous obligations with reference to this crime situation throughout the United States. So, I say again, it is a very great pleasure to have Mr. Fowler here as a witness, and I will ask Mr. Fowler if he will now take the witness chair.

Mr. Fowler, only because it has been the practice of this committee during all of its hearings, and because there has been no exception, and for that reason only, I am going to ask you to please stand up and be sworn.

Mr. FOWLER. I am very happy to be sworn.

Senator HUNT. Mr. Fowler, do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God.

Mr. FOWLER. I do.

TESTIMONY OF CODY FOWLER, PRESIDENT, AMERICAN BAR ASSOCIATION, TAMPA, FLA.

Senator HUNT. You are appearing before our committee voluntarily; you have not been subpoenaed; is that correct?

Mr. FOWLER. That is correct.

Senator HUNT. You are, of course, Mr. Fowler, because of your residence here in this city, quite familiar with conditions in the city and in the immediate vicinity; are you not?

Mr. FOWLER. Well, of course, I am familiar with them, like any other citizen and lawyer of Tampa. I know the local situation like the rest of us.

Senator HUNT. Now, Mr. Fowler, you were cooperative and took the lead in appointing certain members of the American Bar Association to assist this committee. Would you please explore that statement just a little, expand on it and speak of it.

Mr. FOWLER. Yes, and I have the data here. You may want to refer to it. Last summer sometime, Senator Kefauver, chairman of this committee, asked the then president of the American Bar Association, Mr. Harold Gallagher, to appoint a committee to work with your committee and to help it in carrying out its objectives—I will give the formal purposes of the committee in a moment. It had to be authorized by a proper organization of the house of delegates. That authorization was given about the 21st of September and one of my first official duties as I was formally elected on the 22d in Washington, was to appoint such a committee. The purposes of this committee, are to cooperate with the Special Committee of the United States Senate To Investigate Organized Crime in Interstate Commerce in making a study of the subject of the need for the modernization of

the rules, procedures, and practices in the field of criminal law, the steps which are being taken to codify and bring up to date the criminal codes, the efforts which are being made to plug loopholes in criminal procedures and eliminate outmoded and archaic practices and procedures whereby violators of the law escape prosecution, the adequacy or inadequacy of public defenders' acts, the methods of and practices of sentencing, the tendency on the part of the legal profession to withdraw from the practice of criminal law, and so forth. Such a committee was appointed and the Honorable Robert R. Patterson, former United States district judge, former Secretary of War, now practicing law in New York City, is chairman of that committee.

Senator HUNT. Mr. Fowler, it has come to the committee's attention that there are a few attorneys engaged in the practice of criminal law that have been actively conniving with and advising the criminal element in day to day contact of their operations. I am wondering if you would give us the benefit of the attitude of the American Bar Association on such practices.

Mr. FOWLER. I take it from what you said that you mean advising criminals as to how to violate the law with the greatest amount of safety. That seems to be one of their prime functions in representing their clients. I am sure that the groups who do that are a very small minority of American lawyers. The American lawyer is an officer of the American courts, who believes in the enforcement of law and the proper administration of justice and they condemn to the utmost the practice of any attorney in advising gangs in the manner that you have mentioned.

Senator HUNT. Now, Mr. Fowler, I am sure you recognize the seriousness of this problem nationally, as provoked by interstate crime, and would you care to make any observation as to whether or not similar problems exist locally here in Tampa?

Mr. FOWLER. I heard what you had to say at the opening of this hearing. The crime that we hear more about locally, in a general way, is gambling. We have not felt locally, at least in my opinion, that gambling was a national affair but more or less a local affair, but I have no detailed information on that. Certainly I am against organized crime wherever you find it and any methods of evading the law and, of course, one of the worst features of organized crime, if not the worst one, is that too often it has been shown throughout this country that it also interferes with the administration of justice and the proper enforcement of the law in that it runs over too often in the contamination of the law-enforcement officers or the members of the judiciary in some few places.

Senator HUNT. Mr. Fowler, has the American Bar Association taken any disciplinary action against attorneys who are advising these criminals constantly and apparently are, as you said a while ago, advising them how to keep out of trouble, but still carry on their operations?

Mr. FOWLER. We have condemned the action as far as disciplinary action. We are limited in the scope of our ability to discipline, in that we can only discipline our own members, and I am proud to say that I don't believe that any of the men in the classification that you have mentioned so far as I have heard of, are members of the American Bar Association. That is one of the problems we are studying. We would be happy to discipline if we could; as an

organization we can't. Of course, the local bar associations in the various cities and States file charges before the proper disciplinary committee and the State takes steps to have them disbarred. You see, these lawyers are admitted primarily in the State and we have no standing as to granting the taking away of a man's life.

Senator HUNT. Your disciplinary action would simply be to expell them from the American bar?

Mr. FOWLER. Senator, if they are not members of the American bar you can't expell them.

Senator HUNT. Mr. Fowler, do you have any general knowledge with reference to any of the characters who have allegedly been engaged in underworld activities in this area? Do you know whether that has continued for many years without any arrests or convictions?

Mr. FOWLER. Well, you are pretty general in your question. I know what is talked on the streets and you read in the newspapers over the years about the different individuals who are supposed to be active in certain of the gambling rackets. I have no specific knowledge. I haven't seen any gambling in Tampa of a professional nature since, I believe, 1925, where in certain places, in Ybor City where you had to be dressed in tuxedos to get in.

Senator HUNT. Mr. Fowler, in any laxity of law enforcement with reference to gambling here in the city, do you think that has a tendency to bring about a disregard and violation of other laws?

Mr. FOWLER. Certainly. I think any time a group, gang, or an individual makes his living in violating one law he hasn't any hesitation of violating other laws when he wishes to.

Senator HUNT. Mr. Fowler, we are going to direct your attention to some charts which the staff has prepared and we would appreciate it if you would care to comment briefly on these charts.

(Discussion off the record as to placing of charts.)

Mr. RICE. For your information, Mr. Fowler, this chart has been compiled by information obtained by the committee and is intended to depict a chronological history of the number of assassinations and attempted assassinations that have happened in Tampa.

Mr. FOWLER. You wish me to accept the facts shown on there as true?

Mr. RICE. Yes. Do you know from general knowledge that that appears to be true, or from your—

Mr. FOWLER. Let me look at it a moment. Well, from my very general knowledge and a quick survey of the chart, I would say that it appears to be, according to my memory of the particular incidents, killings, and so forth.

Mr. RICE. An accurate portrayal of the situation with respect to assassinations here in Tampa?

Mr. FOWLER. Yes.

Mr. RICE. Now we have another chart.

Senator HUNT. Just a moment, Mr. Rice. Mr. Fowler, in view of the large number of gang killings here, with apparently no arrests, or one arrest and no convictions; would you care to make any observation with reference to law enforcement in the community?

Mr. FOWLER. I don't like to, because it is not one that our people feel very proud of.

(Another chart was placed in view of the witness.)

Mr. RICE. This second chart is a chart compiled from figures which have been furnished to the committee, Mr. Fowler. It speaks for itself as to the situation with respect to enforcement of the gambling laws. You see there that from January to September of this year there have been 96 arrests, running down to an ultimate conclusion that no one in Tampa has gone to jail for violation of the gambling laws this year. Would you care to make any observation as to the relation between charts 1 and 2?

Mr. FOWLER. Well, first in reference to the second chart, that is the one you have got entitled "Enforcement of Gambling Laws," it is just simply amazing that no one has been jailed if there are enough facts to justify 96 arrests; and certainly, comparing the two charts, together with what any citizen of Tampa knows, it is rather a significant fact that certainly should bear a good deal of investigation. I have no factual knowledge, but it is not a pleasing relationship that is indicated.

Mr. RICE. When you mention that it would bear investigation, do you have any thoughts or do you have any procedure in Tampa or in your State whereby proper investigation, inquiring into the reasons behind the facts and figures, has not come to pass?

Mr. FOWLER. Could be brought to pass, you mean?

Mr. RICE. No. My point is that—is there any procedure that you can think of, under your local law, grand juries or investigative procedure, whereby an inquiry could be conducted?

Mr. FOWLER. There are several methods whereby complete investigation, detailed investigation, could be made. Certainly by a grand jury, certainly by the law-enforcing officers and certainly by the various attorneys who are what we generally call prosecuting attorneys, who can make an investigation, in my opinion, under the present laws as they exist.

Mr. RICE. Now, the chart reflecting the assassinations running back to 1931, up to date. Has there been any inquiry of the nature about which I spoke a moment ago to explore conditions, to your knowledge?

Mr. FOWLER. Well, there have certainly been some investigations. The extent of them I don't know. There have been some. No results have been shown, as indicated by the charts, but there certainly have been some investigations made. How thorough they were, I don't know. The results are not very constructive.

Mr. RICE. So far as you know, there have been no appreciable results?

Mr. FOWLER. The charts speak for themselves that there have been no results.

Senator HUNT. Mr. Fowler, whose duty is it to call a grand jury?

Mr. FOWLER. While being well versed in most fields of the law, you are getting into a field that is probably my weakest point—the criminal side of it. I would say the State's attorney can call a grand jury; he is one of those, certainly, that can.

Senator HUNT. He, of course, is cognizant of what is depicted on these charts?

Mr. FOWLER. Well, I am quite sure that he would be. Any attorney in Tampa would be.

Mr. RICE. I think we are probably getting into a field that Judge Tillman, who is our next witness, could more properly explain from the point of view of procedure.

Mr. FOWLER. I always prefer to have the judge explain.

Mr. RICE. You can't go wrong there.

Mr. FOWLER, do you have any other observations that you would like to make, any suggestions about the work of the committee?

Mr. FOWLER. Well, first on a national scale, the American Bar Association, representing the lawyers of this country, have indicated how they feel. They are cooperating with you to the extent of their ability. We have received a grant from the Rockefeller Foundation of \$25,000 to finance the committee's study, the committee I mentioned a few moments ago, which was formed at the request of your chairman. The lawyers of this country are, I would say, aroused at the information that has been brought forth about interstate crime, and they feel that something should be done about it—in other words, that it should be properly controlled. It has become a dangerous national menace, and certainly any part of any local situation that is a part of that, or where any gangs exist for the purpose of making their living by violating the law, they should be eliminated; and I believe that is the view of not only the American Bar, but every State bar and local bar, including the bar association in Tampa and the State of Florida. If I haven't answered that sufficiently fully, I will be glad to do so.

Senator HUNT. Do you have any suggestions as president of the American Bar Association that you would care to make to our committee that would be helpful in making our work more effective?

Mr. FOWLER. You gentlemen have been working on this, and I would not presume to try to advise you. I just wish you good luck and that you will be aggressive and strong, and hard, where it calls for being hard in your investigations.

Senator HUNT. Mr. Fowler, has your national organization taken any steps to bring pressure on the respective State bar organizations to clean up their own house?

Mr. FOWLER. Well, the American Bar, together with State bars—and the State bars are just as enthusiastic in this regard as the American Bar—are emphasizing that all associations, including the local associations, should discipline the members of their bars or keep their bars on a high level of ethics, and to take the proper steps to disbar those who are guilty of acts which justify disbarment or justify any disciplinary action, and I think you will find the bar associations working with your committee and its purpose 100 percent in all of the States, and certainly here in Florida.

Senator HUNT. Mr. Fowler, the committee is grateful to you for appearing here this morning, as you do, representing the American Bar Association, and we want you to know that at any time the American Bar Association has a suggestion to make to us that will be helpful, we shall be very pleased to have it, and the committee is grateful to you, Mr. Fowler.

Mr. FOWLER. Thank you. The committee, as I have told you, are working on recommendations furthering your purposes, and that report will be forthcoming in a reasonable time. Thank you very much.

Senator HUNT. Judge Henry C. Tillman.

(Thereupon, Judge Henry C. Tillman came forward.)

Senator HUNT. Judge, again, because it is the custom and because we have made no exceptions, I am asking you to be sworn.

Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Judge TILLMAN. I do.

**TESTIMONY OF THE HONORABLE HENRY C. TILLMAN, JUDGE,
CIRCUIT COURT, HILLSBOROUGH COUNTY, FLA.**

Senator HUNT. Judge, I am going to ask the counsel to question you. He has been instrumental in working up this case, and I think he can present the questions to you more directly than I should be able to.

Mr. RICE. Judge, we called on you today because you have been recognized as a leader in the forces of good government in Tampa and as an authority on the jurisdiction here.

In order to qualify your background, will you tell us how long you have been on the bench as circuit judge?

Judge TILLMAN. I was appointed in October 1949.

Mr. RICE. And you have served and are serving as judge of the circuit court?

Judge TILLMAN. The circuit court.

Mr. RICE. Of Hillsborough County?

Judge TILLMAN. That is right.

Mr. RICE. Will you be good enough, Judge Tillman, to explain to the committee a little bit about the investigative jurisdiction in Hillsborough County, or Florida, from a point of view of the duties of the sheriff's office, State attorney's office, and the various courts, so we will understand who is responsible for the investigation and prosecution of crimes, like gambling and murder.

Judge TILLMAN. Well, the circuit court has jurisdiction over what we call capital cases, that is, where the penalty is death. All other crimes are under the jurisdiction of the criminal court of record.

Mr. RICE. Which is the circuit court?

Judge TILLMAN. No; the circuit court is an entirely separate court. The circuit court has jurisdiction of capital cases. The criminal court of record has jurisdiction of all cases not capital, which of course includes gambling and the minor cases. The main cases, the circuit court cases, are murder, arson, rape, and those cases where the punishment is fixed by law as death.

Mr. RICE. Now, how are cases brought to trial before the circuit court?

Judge TILLMAN. All right. There has got to be an investigation made by the grand jury and a bill of indictment presented to the court, charging the criminal with whatever crime it may be—murder, or arson, or rape.

Now, in the criminal court of record, the county solicitor is a one-man grand jury, that is what it amounts to. In other words, he makes investigations and files the information.

Mr. RICE. He needs no grand jury.

Judge TILLMAN. He needs no grand jury.

Mr. RICE. I see.

Judge TILLMAN. Of course, the prosecuting attorney of the circuit court is the State attorney, and the prosecuting attorney in the criminal court of record is the county solicitor.

Mr. RICE. Now, what law-enforcement agencies are charged with the investigation of gambling?

Judge TILLMAN. All of the police forces, that is, the sheriff and his deputies—the constable in each district, and I think there are two in this county only, and then, the police of the cities and towns.

Mr. RICE. So that you have what you might call concurrent jurisdiction between the police force, the sheriff's office, and constable.

Judge TILLMAN. For the purpose of investigating crime; yes.

Mr. RICE. For the purpose of investigating gambling specifically?

Judge TILLMAN. Gambling, specifically, yes.

Mr. RICE. Now, then suppose a murder is committed in the county, who would take the lead in the investigation?

Judge TILLMAN. I would say that the sheriff's office would take the lead of the investigation, and he would be assisted by the police officers of the city where it happens in their immediate vicinity, or in Plant City, if it happened over there, and any of the municipalities.

Mr. RICE. I see. Now, if it were before the grand jury, which made the inquiry, and the grand jury were exploring an assassination, for instance, who would take the lead in presenting the witnesses to it?

Judge TILLMAN. All the witnesses before the grand jury are presented by the State attorney.

Mr. RICE. Does the State attorney have any investigative staff?

Judge TILLMAN. He has one assistant only.

Mr. RICE. He has an assistant State attorney?

Judge TILLMAN. He has an assistant State attorney.

Mr. RICE. A lawyer?

Judge TILLMAN. A lawyer, but he has no investigator or investigating staff of his own. He has to use the sheriff's force and the forces of the city police.

Mr. RICE. Now, as a practical matter, we have a chart here—you may have seen it—which depicts a great number of unsolved assassinations in your city. Having that in mind, can you give me any observation as to the effectiveness of either the grand jury or your investigative agencies here in Tampa?

Judge TILLMAN. Mr. Rice, I think the chart speaks for itself. If those names and dates are all correct, and the results are correct, and there have been that many assassinations and no arrests made, I think it speaks for itself.

Mr. RICE. Would it be fair to assume from that that there is a serious breakdown somewhere along the line in law enforcement or the present procedure is impractical?

Judge TILLMAN. I think the combination of the two is the truth. I don't think that we have sufficient specialized investigation in this county. I mean investigators who are particularly trained for that kind of work. On the other hand, I think that many assassinations with no results would indicate that there has been a breakdown in the investigating end anyway. Now, there has been in my recollection one grand jury investigation, and that grand jury indicted, I think, almost every—well, they indicted the sheriff, and indicted the county solicitor and they—oh, I guess it was 8 or 10 years ago, and the Governor of the State at the time, I don't remember who he was now, but he sent a State attorney from the adjoining—adjacent circuit here and he came down and made his investigation and he con-

cluded that he didn't have enough testimony to convict anybody and all those people were released.

Mr. RICE. The net result was that no one went to the penitentiary?

Judge TILLMAN. No, no one went to the penitentiary, and in that particular case I don't think anybody was removed from office.

Mr. RICE. All right, assuming that there has been a breakdown in law enforcement, and assuming that the—say, the State attorney was under fire, would there be any remedy as to obtaining the prosecution of the persons?

Judge TILLMAN. Yes, I think that if that matter was called to the attention of any of the circuit judges by the grand jury—you mean where they said the State attorney was not performing his full duty?

Mr. RICE. Yes.

Judge TILLMAN. I think any of the circuit judges, if that was called to the attention by the grand jury, would immediately contact the Governor and ask that another State attorney be sent in here for the purpose of seeing that the State attorney's office functioned.

Mr. RICE. Is that possible under your procedure?

Judge TILLMAN. It is possible under the law. Now, the court itself has no authority and the court—the court does have authority to appoint what they call elisor sheriff in the event the sheriff is interested in the matter before the grand jury or anywhere else, and that has been done in some counties in Florida. The circuit court has authority.

Mr. RICE. Now, you have mentioned that if the circuit court called upon the Governor to send what you might call a special prosecutor—does that leave the option entirely with the Governor as to whether that shall be done or not?

Judge TILLMAN. Yes, it is the only procedure I know whereby it could be effected.

Mr. RICE. It is not mandatory?

Judge TILLMAN. It is not mandatory, but I don't think the Governor would have to have any more than a request from the circuit judge to the effect that it had been called to his attention by the grand jury that the State attorney wasn't doing his duty and asking that one be sent in here—a substitute. I think he would do it, I don't care who the Governor is.

Mr. RICE. That could be done?

Judge TILLMAN. Yes.

Mr. RICE. Has it ever been done in Hillsborough County, to your knowledge?

Judge TILLMAN. It has not. As a matter of fact, I have never heard of an instance in Hillsborough County where the grand jury ever reported that fact to the circuit court. We have four circuit judges now.

Mr. RICE. Yes.

Judge TILLMAN. And I know it hasn't been done—well, I would just say it hasn't been done, because I have been here all the time and I know what goes on in reference to the court.

Mr. RICE. To depart a moment from the subject matter at hand, do you know, judge, about the beverage or alcoholic-beverage-control laws, and so forth? Do you know whether an individual who has a criminal record can hold a license or be an officer?

Judge TILLMAN. I am not definite in my knowledge of that law itself, but I know that a license is not supposed to be given to any man

who has a criminal record. I know that those things have to be approved by the board of county commissioners in the county, and I think by the tax collector. I am not very familiar with that law at all. It doesn't come up in my court.

Mr. RICE. I thought as a matter of general knowledge that you might know that.

Judge TILLMAN. My impression is that that is the law, that a man who has got a criminal record is not supposed to be given a license to sell beverages, alcoholic beverages.

Mr. RICE. Or to be directly or indirectly involved as a licensee?

Judge TILLMAN. As a licensee. That is what my understanding is.

Senator HUNT. From your observation in living here what has been the attitude of the Tampa people? Do they want this type of condition of price and gambling to continue, or would they like it wiped out?

Judge TILLMAN. They would like it wiped out, sir. A great many of them would like it to continue, but I am speaking, by and large, of the great majority of the good people of this community, they would like to see it wiped out.

Senator HUNT. I am sure you can answer this question, judge, yes or no; if you care to answer it that way, of course you can elaborate, if you please. Do you think this condition could exist without the cooperation and without the knowledge and without the local law-enforcement officers being in on it?

Judge TILLMAN. If you would strike out that last, I would say "no." I think it could exist without them being in on it. But I don't see how in the world it could exist without them having knowledge of it, because, you know, all those murders out there, everybody is obliged to know about it.

Senator HUNT. Would you care to observe if local law-enforcement officers are prone to be derelict in their duty?

Judge TILLMAN. I could not give you a direct answer on that because I don't know. Judging by results, there is something wrong somewhere, but where it is I do not know, Senator. If I did, I would tell you.

Senator HUNT. For the record you do say there is something wrong?

Judge TILLMAN. There is something wrong somewhere; yes, sir.

Mr. RICE. With respect to the work of this committee, Judge, what is the attitude of the local people as you know it?

Judge TILLMAN. Well, as you know, Florida is pretty much of a great State's rights State, and we think that our people welcome any investigation made by anybody that would seek to better the conditions under which we live and under which we have got to raise our children; and I think that as long as this committee confines itself to what you stated at the beginning, that its efforts will be fairly approved by the people of this community. I do not think that in this community, or in any other Florida community, and I might say from my general knowledge, from any other community in the country, that they would want this committee to run our local affairs for us. You know what I mean, Senator.

Senator HUNT. As having been Governor of a State for 6 years, I do.

Mr. RICE. To carry that further, if the committee should adduce what we might say interesting testimony, reflecting on local conditions, what use could be made of that testimony?

Judge TILLMAN. If you would send that testimony to any one of the circuit judges, particularly to me, and I am speaking for myself and I can talk to the others, I will certainly call it to the attention of the grand jury and instruct them to investigate it with all of the power they have got. In a general way, I have already charged them to that effect, that they had the power—and I am a great believer in the grand jury having authority over all it surveys—if you get any testimony that you think would be pertinent to a grand jury investigation, if it is sent to me, I will give it to the grand jury.

Senator HUNT. Thank you, Judge, for appearing before us. Your testimony has been very valuable, and, with reference to your last suggestion, of course, that is exactly what we do with the facts that we develop, to make it available to the local law-enforcement officers. I thank you.

Judge TILLMAN. Thank you.

(Witness excused.)

Senator HUNT. Will witness Charles M. Wall come forward please and take the witness chair?

(Mr. Wall appeared and came forward.)

Senator HUNT. Take this chair, Mr. Wall, and will you please raise your right hand and be sworn?

**TESTIMONY OF CHARLES M. WALL, TAMPA, FLA., ACCOMPANIED
BY PAT WHITAKER, ATTORNEY**

Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WALL. I do.

Mr. RICE. For the record, we will indicate that Mr. Wall is appearing with counsel, Pat Whitaker; and your address, Mr. Whitaker?

Mr. PAT WHITAKER. Mr. Chairman, I would like to call to the attention of the committee, that Mr. Wall is at the present time under indictment in Dade County, charged with a felony, for violation of the gambling laws. That case is pending and undisposed of. I am calling that to the attention of the chairman, with the hope that, in the couching and propounding of the questions it will be remembered the condition that he is in, with this pending felony against him; with the hope that the examination will be restricted so as not to militate against him in the trial of the pending indictment. I have studied the statute some with reference to the immunity accorded before your committee, and on account of the different sovereignty and the grades of the protection, I just want to call that to the committee's attention with the hope that in the examination it will be borne in mind that he is under that prosecution and that he will not be unnecessarily embarrassed or handicapped in his defense under that felony charge.

Senator HUNT. The committee's counsel notes the rights of the witness under such situations, and of course you have the right to advise your client when he feels that any answer that he might give may incriminate him; and while the questions may be pointed and may be direct, and we are attempting to get information and we hope that you will give us every cooperation that you can without drawing too strict a line on where he can and cannot answer.

Mr. RICE. For the record, when was that indictment returned, approximately?

Mr. WHITAKER. It was returned—do you remember when your committee was in Miami?

Mr. RICE. Very well.

Mr. WHITAKER. Well, it was returned after your committee was there.

Mr. RICE. That would be in 1950 and cover the statutory period?

Mr. WHITAKER. It was returned in the last couple of months, after your committee was there this year.

Mr. RICE. We will recognize the constitutional privileges in connection with that period of time.

Mr. WALL, we are calling upon you for any assistance and cooperation you can give us in furnishing to the committee certain background information about gambling activities in the Tampa area. We recognize you as what we might term an elder statesman in that connection.

Mr. WALL. I thank you.

Mr. RICE. If you would be kind enough for the benefit of the chairman, to tell us, as you did a grand jury in 1938, how it happened that you personally became involved in the rackets down through the years, and what happened as far as the development of bolita and other forms of gambling, and how it occurred here, we are interested in knowing the history of the community.

Mr. WALL. Well, of course, I have to testify from memory.

Mr. RICE. Yes, sir.

Mr. WALL. Of those, a good many people that were in the bolita business at that time, as I remember, we probably were the largest and took lay-offs, what I mean by lay-offs, if a fellow got too much money on a money.

Mr. RICE. Let us start this way, Mr. WALL. How old a man are you now?

Mr. WALL. My next birthday will be in March. I will be 71.

Mr. RICE. And you were born in Florida?

Mr. WALL. Yes, sir.

Mr. RICE. And a local man?

Mr. WALL. Yes, sir.

Mr. RICE. And lived here all your life?

Mr. WALL. Yes, sir.

Mr. RICE. When did you start? Was it during prohibition?

Mr. WALL. No.

Mr. RICE. Before that?

Mr. WALL. Yes.

Mr. RICE. And what was your first gambling activity, what did you do, how did you first become involved?

Mr. WALL. I think I worked in a gambling house.

Mr. RICE. And where was that?

Mr. WALL. In a place we used to call Fort Brook.

Mr. RICE. And what was your job there?

Mr. WALL. A crap dealer.

Mr. RICE. And that was a table game operation?

Mr. WALL. Yes, sir.

Mr. RICE. I take it that for a while then you were engaged in table game activities?

Mr. WALL. That is correct.

Mr. RICE. And then what happened?

Mr. WALL. Well, then, as the years went on I think I was still in that, and then in addition to that we had bolita.

Mr. RICE. When would you say the bolita developed in the area, Mr. Wall, approximately?

Mr. WALL. The first bolita that I remember, was, oh, in 1894 or 1895 and 1896 and 1898, a little Spaniard here conducted one.

Mr. RICE. What is bolita?

Mr. WALL. Bolita, as I know it, the way we used to conduct it, we took 100 balls.

Mr. RICE. Yes?

Mr. WALL. And spread them out where everybody could see them and then we put them in a sack.

Mr. RICE. Yes?

Mr. WALL. And we would shake the sack, the man that was handling the bolita.

Mr. RICE. Yes?

Mr. WALL. And when you put them into it, to catch the ball you would throw it to him.

Mr. RICE. He would catch the sack?

Mr. WALL. Would catch the ball in the sack, he would grab the round thing like that, and the one remained in there, and take that off, and take the other 99 out and put that in rotation, and of course that was the number that won.

Mr. RICE. Those balls were numbered?

Mr. WALL. Yes.

Mr. RICE. So that the one was left in the sack?

Mr. WALL. No, sir. The one that was out of the sack.

Mr. RICE. The one that you cut off was the winning number?

Mr. WALL. Yes, sir.

Mr. RICE. What odds were paid on that bet?

Mr. WALL. I think maybe in the early days, I think 90.

Mr. RICE. 90 to 1?

Mr. WALL. Yes.

Mr. RICE. What is it now?

Mr. WALL. I don't know; and on Cuba I think that was 90. It's been reduced, maybe, to 80.

Mr. RICE. I see.

Now then, that was what you could call a throwing?

Mr. WALL. Yes; daily.

Mr. RICE. A bolita throwing?

Mr. WALL. A daily throwing.

Mr. RICE. Did there come a time when they stopped these throwings and used other means of selecting the number?

Mr. WALL. Not during the time that I was associated with it.

Mr. RICE. How about the card cutting?

Mr. WALL. I am not familiar with that. That wasn't done during the time that I was associated with it.

Mr. RICE. In connection with these throwings, as you call them, is it possible or was it possible to rig the throwing in such a way that you could control which ball would be selected?

Mr. WALL. I have heard of that being done; yes.

Mr. RICE. How did they do that?

Mr. WALL. I only know what I have been told.

Mr. RICE. Yes, sir.

Mr. WALL. I am told that it was done with two sacks, among the very ignorant. You couldn't do that in front of intelligent people. I was told that the gentleman had an idea that he could take a hundred of those ivory balls and go into them, dig the insides out, and put cork in there, then take a hundred other balls and take them out and put lead in a hundred; so, naturally, by taking 90 balls stuffed with cork and putting 10 balls, much heavier, and shaking the sack and pitching them on a table, and letting a fellow catch from the bottom, the probability was—while it was not absolutely a sure thing—the chances were greatly in favor of 1 of those 10 heavy balls being in the bottom.

Mr. RICE. I see. In other words, you couldn't win on that one.

Mr. WALL. Well, not without somebody bet on the heavy ball.

Mr. RICE. I think, for the benefit of the committee and the general public, you might be able to elaborate a little bit on the ways of cheating in a table-game operation, a dice game. What are some of the ways that you have heard that they do that?

Mr. WALL. Well, I have heard that some of the catalogs have what is known as loaded dice. If they put the load into, say, the ace part, why, naturally the ace would go down and the six would come up. Then I have heard that there is what is known as bust-outs.

Mr. RICE. What is a bust-out?

Mr. WALL. Well, I can only tell you what I have heard.

Mr. RICE. Yes; what you have heard.

Mr. WALL. Well, if I were shooting dice and somebody decided that I really could not win and my eyesight wasn't so good, they might give me a pair of dice that I couldn't make a seven with, known as tops and bottoms, and after I made my point they would give me a pair of dice that I couldn't make the eight with, say. Of course, it wouldn't be a physical impossibility, but the probability is there would be about a hundred to one that I wouldn't.

Mr. RICE. What is the bust-out? What does that mean?

Mr. WALL. That means switching dice.

Mr. RICE. The bust-out is a switch?

Mr. WALL. Yes. That is what they call busting out.

Mr. RICE. How about roulette?

Mr. WALL. Well, I know nothing about that except what I have been told. I have been cheated at roulette.

Mr. RICE. How were you cheated?

Mr. WALL. Well, some fellows entered the place that I was interested in and raised the bridges, made the bridges in one 12 higher than the other 24, so when the ball got to those 12 of course the ball, that being higher, was rather inclined to go into 1 of that 12.

Mr. RICE. It was trapped right in the 12?

Mr. WALL. Yes.

Mr. RICE. Rather than in some other number?

Mr. WALL. Yes.

Mr. RICE. How long did that go on before you discovered you were being cheated?

Mr. WALL. Well, I wasn't there when it happened, but being of a rather suspicious nature, I looked it over carefully the next day, and

got one or two other fellows, and we decided that was the condition, and by measuring, and so forth and so on, we found out we had been cheated.

Mr. RICE. Then what action was suggested to be taken?

Mr. WALL. Put those bridges back where they belonged and be more careful.

Mr. RICE. Nothing was done with the people who had something to do with the raising of the bridges?

Mr. WALL. Oh, no, no.

Mr. RICE. You continued to accept them as customers?

Mr. WALL. Well, they weren't customers that want to come and play without the bridges were raised—but we would have accepted them.

Mr. RICE. They didn't see fit to come around anymore, after that, I take it?

Mr. WALL. Well, they didn't come around. I assume they——

Mr. RICE. There are other ways of fixing a wheel, aren't there?

Mr. WALL. Well, I have heard that it can be fixed with a battery.

Mr. RICE. How does that work?

Mr. WALL. Well, I have never seen that. I have had a gentleman explain to me how he was cheated one time with something in a lady's pocketbook. She bored a hole through the wheel, then, with a little needle, as the wheel went around, she could throw that ball in two or three numbers, you know, on this——

Mr. RICE. I don't follow that at all. She bored a hole in the wheel?

Mr. WALL. No, no. You have seen roulette?

Mr. RICE. Yes, sir.

Mr. WALL. You know the track on which the ball runs?

Mr. RICE. Yes.

Mr. WALL. You know on the outside the ball goes against that——

Mr. RICE. Yes.

Mr. WALL. Now then, if a hole was bored through that track—— understand?

Mr. RICE. Yes.

Mr. WALL. And the ball was spinning—the wheels don't spin very fast—if a wire was put through there, of course, that would knock the ball into one of two or three numbers.

Mr. RICE. That would stop the ball in its flight in front of the number?

Mr. WALL. Yes.

Mr. RICE. What does a pocketbook have to do with it?

Mr. WALL. Well, in operation, a lady with a pocketbook wouldn't be so noticeable.

Mr. RICE. What would she do? Project the needle through the pocketbook?

Mr. WALL. Yes. She worked from the pocketbook and, of course, she has to have somebody working with her, playing with her.

Mr. RICE. Are there any other ways that you have heard of?

Mr. WALL. Oh, I have heard of a wheel that could be trained with an electric battery.

Mr. RICE. That is a magnetic proposition, isn't it?

Mr. WALL. Yes. Of course, these things may not be true, my just hearing it.

Mr. RICE. Nevertheless, when you were engaged in those operations you did take frequent steps to check the possibilities that that might be happening?

Mr. WALL. Well, yes.

Mr. RICE. There came a time during your life when there were some attempts made on your life. We would like to know about that, how the first one occurred and what happened and when it was.

Mr. WALL. I imagine that was about in—oh, maybe around '38.

Mr. RICE. According to our records, there was an attempt made in 1930, Mr. Wall. Is that correct?

Mr. WALL. '30?

Mr. RICE. Yes, sir.

Mr. WALL. It is possible. I don't remember.

Mr. RICE. You mean there have been—you have been shot at so many times it didn't make an impression on you anymore?

Mr. WALL. No, I wouldn't say that, sir.

Mr. RICE. Tell us, seriously, about it.

Mr. WALL. I don't remember the date.

Honestly, I just don't remember the date.

Mr. RICE. The first time it happened, what happened? Certainly that made an impression on you.

Mr. WALL. Oh, yes. The first time it happened I came out of my garage.

Mr. RICE. Yes.

Mr. WALL. And my wife was with me, and she was a little in front of me, and I came out on the sidewalk, out on the sidewalk to my front gate, and some folks came up in an automobile, and a fellow began shooting with a pistol—I don't know whether it was a pistol or a revolver or what it was.

Mr. RICE. Yes.

Mr. WALL. But I didn't realize anybody was shooting until the thing hit me and then, of course—

Mr. RICE (interrupting). Hit you in the back?

Mr. WALL. Well, it kind of—as the Negro says—it glimpsed me.

Mr. RICE. It glimpsed you?

Mr. WALL. Then, I fell down, and somebody shot a shotgun, but of course I was down when they shot the shotgun and the buckshot didn't hit me. Then the car drove on away, and I think I was so scared I shot at it. I think maybe I had a pistol, too. And then I got in the house.

Mr. RICE. Yes, sir; there were two men?

Mr. WALL. I couldn't tell.

Mr. RICE. Or at least two. One with a shotgun and one with a revolver?

Mr. WALL. I thought there were three.

Mr. RICE. Was there any investigation of that by law enforcement authorities?

Mr. WALL. Yes.

Mr. RICE. Did you go before the grand jury?

Mr. WALL. No, the authorities came out immediately.

Mr. RICE. Yes, sir.

Mr. WALL. And they were very much concerned, but I didn't know—the surprise was so great I was rather frightened and scared—

a man doesn't think under those circumstances—at least, I know I don't. But what you do is rather instinctive.

Mr. RICE. Yes, sir. Was anyone ever arrested?

Mr. WALL. No, not that I heard of.

Mr. RICE. You didn't testify before the grand jury. You just told the officer what happened and that was the end of it?

Mr. WALL. Yes; they came to my home.

Mr. RICE. Have you any idea who did it?

Mr. WALL. No, sir.

Mr. RICE. Have you ever found out?

Mr. WALL. No.

Mr. RICE. Now, you said that occurred while you were on the way to the garage or from the garage?

Mr. WALL. Yes. I had left town here about 10 o'clock at the telegraph office on Morgan Street and had gone home.

Mr. RICE. Have you done anything to remedy that situation out there between the house and the garage so that it is not quite as exposed as it used to be?

Mr. WALL. Well, the last time they did it—that something like that occurred—a friend of mine, a businessman, came out and built an entrance from the garage into that bedroom.

Mr. RICE. Yes, sir.

Mr. WALL. And I can drive in there. If I had a car on a rainy day. And I wouldn't get wet. I could go right into that room.

Mr. RICE. Even if it were a hail of bullets or what not?

Mr. WALL. Well, it would help.

Mr. RICE. Now, can you remember the next time that something like that happened?

Mr. WALL. Well, the next time. Maybe that was in '38 or '39. I was going home and a fellow shot out of the back of a truck a couple of times.

Mr. RICE. What with?

Mr. WALL. A shotgun. I didn't see the shotgun—just the barrel of it after the first shot.

Mr. RICE. You were driving the car?

Mr. WALL. Yes.

Mr. RICE. Then what happened?

Mr. WALL. Well, of course, I heard the shot and didn't hear the sound, and when they hit, why those things went around me—they didn't hurt me much, just burnt me a little bit.

Mr. RICE. Just glimpsed you again?

Mr. WALL. Just glimpsed me again. So I begin to dodge and try to do the best I could until I saw that thing go down in the back of the truck. So I started on by that and then, another gentleman climbed in on the front seat with a shotgun and I thought maybe he wanted to shoot me, too, and I guess he did, because about the time he shot I dodged down and he tore my car up pretty bad, so I took my foot off the accelerator, and the car was moving, and I don't know—I kind of outguessed him, and turned the wheel to the right and it went up on the sidewalk and wobbled a little bit, and I heard the truck leave, and I was very glad to part company with it, so then, I came up for air and drove on home.

Mr. RICE. Now, was that reported to the police?

Mr. WALL. No, they came out there.

Mr. RICE. Was it the police or the sheriff's office?

Mr. WALL. Both.

Mr. RICE. Did they continue the investigation?

Mr. WALL. Oh, yes.

Mr. RICE. Did you go before the grand jury?

Mr. WALL. No.

Mr. RICE. Was anyone ever arrested?

Mr. WALL. No, not that I heard of.

Mr. RICE. Do you know who did it?

Mr. WALL. No.

Mr. RICE. Did you have any threats before it or any warning?

Mr. WALL. No, sir.

Mr. RICE. It was a complete surprise to you?

Mr. WALL. Absolutely. I wouldn't have been on the street if I had had any warning.

Mr. RICE. Did you know whether the murder weapon or the shotgun or any of the weapons were ever traced or found or anything?

Mr. WALL. I am not sure. I think one of the city officials—the chief of detectives at that time—I think he said he sent it to Washington to the FBI, and I think—I don't think they had a law in those days where you had to register when you bought a gun.

Mr. RICE. They found a gun?

Mr. WALL. They only got the two guns but they were pretty well burned up. You see, the truck went a few blocks from where I live and they set it afire—so I was told—but I think this fellow said he had an idea—some idea as to where the guns were sold or something like that—as I remember, now I may be mistaken.

Mr. RICE. Yes, sir. Where was it?

Mr. WALL. I don't know. He would probably know.

Mr. RICE. Was it New Orleans?

Mr. WALL. I don't think so.

Mr. RICE. Where was the truck from? Where was the truck traced to?

Mr. WALL. They thought the truck was burned—they thought the truck was sold on Grand Central Avenue at a second-hand place there.

Mr. RICE. It was sold right here in Tampa?

Mr. WALL. Yes.

Mr. RICE. It wasn't brought in from out of the State?

Mr. WALL. No.

Mr. RICE. You are sure about that?

Mr. WALL. No; I am not sure. I am just telling you what the officer that was working on it—what his conclusion was.

Mr. RICE. Did you ever hear that it came from Kansas City?

Mr. WALL. No; I never heard that. I never heard that.

Mr. RICE. Or that the gun was bought in New Orleans?

Mr. WALL. No; I don't think I ever heard that.

Mr. RICE. It could be so, though?

Mr. WALL. Oh, yes. I don't know where it was bought.

Mr. RICE. Now, what happened the next time?

Mr. WALL. Let's see. The next time I was coming downtown with a fellow, and the young fellow I was riding with he put on brakes real quick and I went against the glass.

Mr. RICE. Yes.

Mr. WALL. In the front of the car. Then, when I came up I saw something out of an automobile in front of me—and they were stopped, too—like a hoe handle or fishing rod or something about that width. Why, somebody shot and, of course, I ducked down under the front of the car.

Mr. RICE. This car had been following you or following your car?

Mr. WALL. I don't know. That is the first I saw of it.

Mr. RICE. Why did the driver put on the brakes?

Mr. WALL. Well, I don't know. We stopped. I know it was just the bullet.

Mr. RICE. Was there one shot?

Mr. WALL. It was more than that. There was just one bullet that went through the windshield of the car that I was in.

Mr. RICE. It didn't hit you?

Mr. WALL. No.

Mr. RICE. Then, the car continued on?

Mr. WALL. No; it started backing.

Mr. RICE. What did the other car do?

Mr. WALL. They started backing, too.

Mr. RICE. Well, we are backing up now.

Mr. WALL. So, I think there was a car coming in the other direction.

Mr. RICE. Yes.

Mr. WALL. And we went around that car and those fellows in the other car hit him, so we backed into a side street and the fellows that were in the car backed up with us and went ahead.

Mr. RICE. They went in another direction?

Mr. WALL. Yes. They went like they were going, to start with.

Mr. RICE. Was there an investigation of that?

Mr. WALL. Yes. That afternoon some city detectives got me and wanted to know if I could be of any help to them and so forth and so on.

Mr. RICE. Was there a grand jury investigation? Did you testify before a grand jury?

Mr. WALL. I didn't testify. If there was an investigation I never heard of it.

Mr. RICE. Well, now, do you mean to say that you have a situation here—was this in the daytime or nighttime?

Mr. WALL. The first time was in the nighttime.

Mr. RICE. And this last time?

Mr. WALL. The second time was about 5 o'clock in the afternoon or a quarter to five. The last time was about—oh, 11—10:30 or 11 o'clock. Between 10 and 11.

Mr. RICE. You had a situation where a car overtook you and then there was a shot and it then backed up and another car collided with the second car, and then, left, and they never did find out who did that?

Mr. WALL. No.

Mr. RICE. No one was ever arrested?

Mr. WALL. No.

Mr. RICE. No suspects?

Mr. WALL. No.

Mr. RICE. Now, how many times were you fired upon?

Mr. WALL. Just three.

Mr. RICE. Just three. And to sum it up, no one has ever been accused of the attempts as far as you know?

Mr. WALL. No.

Mr. RICE. You have no idea who did it?

Mr. WALL. No.

Mr. RICE. Where they came from?

Mr. WALL. No.

Mr. RICE. I wonder, Mr. Wall, if you can draw on your background a little bit and tell us about whether—about what you might call the powers in the rackets here in Tampa—who they were in the old days? Were they Cubans or Spanish or Italian or—whether there has been any cycle of domination in Tampa? Do you understand me?

Mr. WALL. I don't think there were any powers much in my early days. I think in certain districts people wanted some liberality, as they termed it, and they had that. If some fellow was cheated, or they found out that minors patronized a place of that kind, or a man under the influence of liquor was beaten out of any money, or some fellow that couldn't afford to lose money, lost some, and his family knew about it, the enforcement officers would arrest you and put you out of business.

Mr. RICE. Well, I believe in previous testimony you have referred to the coming of out-of-State gangs or a syndicate from California into the area. What happened then?

Mr. WALL. In California?

Mr. RICE. Yes, California.

Mr. WALL. I don't think I ever testified to that.

Mr. RICE. Yes; I think you had something to say about a bingo game being—

Mr. WALL (interrupting). Oh, yes. Yes; I don't know whether the fellow was in California or not. I heard he went to California when he left here. He was a fellow who didn't live here. He came in here to open a bingo parlor, but they didn't permit him to open it, and I think he lost what rent he had paid, probably or maybe he paid no rent, I don't know, but I don't think he was of the vicious type.

Mr. RICE. No. My point was had there been any penetration of the local rackets by individuals from California?

Mr. WALL. I couldn't tell you about that. I have been in no way directly or indirectly mixed up in any gambling in this county since oh, late in 1939 or 1940.

Mr. RICE. In this county?

Mr. WALL. Well, that's what you are asking me about, I assume.

Mr. RICE. Just to clear up one thing. There were three attempts on your life, not five?

Mr. WALL. I don't think I remember the other two.

Mr. RICE. You probably would have remembered them, don't you think?

Mr. WALL. Oh, yes. No; I am sure there were only three.

Mr. RICE. Do you have any reason why anyone would want to make a target out of you? Do you know any reason?

Mr. WALL. No.

Mr. RICE. The situation goes beyond coincidence when it occurs three times. You realize that?

Mr. WALL. Yes.

Mr. RICE. Is there anything you want to say on that?

Mr. WALL. No.

Mr. RICE. About the reason why or the identity of them?

Mr. WALL. No.

Senator HUNT. Could it be because you are quite influential in the gambling underworld and there were those who wished to get you out of the way?

Mr. WALL. Oh, I couldn't tell you. It could be, of course, but I couldn't tell you.

Mr. RICE. Do you feel that you have been afforded adequate police protection during your lifetime?

Mr. WALL. You mean with reference to being shot at?

Mr. RICE. Yes.

Mr. WALL. Oh, yes, I guess so. I haven't given it any thought much.

Mr. RICE. But it is perfectly all right with you if every year or two someone takes a shot?

Mr. WALL. Quite the contrary.

Mr. RICE. Then, what is the situation? You haven't had adequate protection, have you?

Mr. WALL. Well, there was nobody right there behind me looking after me, but every time this occurred an officer would come and talk and ask me if I wanted to cooperate and see if we could find the people, and so forth and so on. But it wasn't the easiest thing in the world. If you are driving along and somebody shoots in your direction, especially when they are close to you, and it scrapes and hurts you a little bit—I can't speak for anybody else—I am speaking for myself—but the element of surprise, but it frightens you and you are scared, and I wasn't much interested in who it was that was doing it. I was interested in keeping from getting killed.

Mr. RICE. But when the thing settled down a little bit, you are interested in seeing that the person responsible wouldn't try it again, are you not?

Mr. WALL. Very much.

Mr. RICE. And that situation has never been taken care of?

Mr. WALL. No.

Mr. RICE. I think that is all.

Senator HUNT (to Mr. Whitaker). How long have you been representing this client?

Mr. WHITAKER. Mr. Chairman, I don't represent him on any retainer. I have represented Mr. Wall, I think on two occasions. Do you mean how long have I been employed this time?

Senator HUNT. Yes.

Mr. WHITAKER. I have been employed this time since this indictment, this subpoena.

Senator HUNT. You have not, as I understand, been retained by Mr. Wall down through the years on a retainer fee?

Mr. WHITAKER. Oh, no.

Senator HUNT. When you were shot at so many times did you ever employ an attorney and attempt an investigation on your own?

Mr. WALL. No, no. No; I didn't see how that would do much good.

Senator HUNT. You seem to display a remarkable lack of interest in the target that these people were making of you. I can't understand why you didn't do something about it.

Mr. WALL. Well, I conferred with officials.

Mr. RICE. I think that is all. Thank you, Mr. Wall, and Mr. Whitaker.

Senator HUNT. Will Witness Noah W. Caton come forward, please? (Noah W. Caton came forward.)

TESTIMONY OF NOAH W. CATON, TAMPA, FLA.

Senator HUNT. Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CATON. I do.

Senator HUNT. For the record, at this time I wish the three sheets to be numbered, respectively, Nos. 2, 3, and 4, and admitted as exhibits for the record.

(Whereupon said charts were received in evidence as exhibits 2, 3, and 4, respectively, and appear in the appendix on pp. 482 and 483.)

Mr. RICE. Will you state your name and address?

Mr. CATON. My name is N. W.—Noah W. is the right name—Caton, C-a-t-o-n. I live at 808 East Chelsea.

Mr. RICE. What has been your occupation, Mr. Caton?

Mr. CATON. My last occupation was with the Air Force in the training of units during the war.

Mr. RICE. Now, how long have you known Sheriff Culbreath?

Mr. CATON. Well, approximately about 18 years.

Mr. RICE. Have you done work for him from time to time?

Mr. CATON. Yes, sir.

Mr. RICE. What sort of work was that?

Mr. CATON. Well, there was—before the war I operated a small marine ways here that also did outside mechanical work on boats, the marine line and stuff. I did installation of marine engines, and so forth and so on like that, for Mr. Culbreath.

Mr. RICE. Have you installed marine engines in any of his boats?

Mr. CATON. Yes, sir; I installed an engine for him. I won't give the exact date, but it was sometime before the war.

Mr. RICE. How many boats does he have?

Mr. CATON. Well, to my knowledge, he had one large-sized cruiser—that is, approximately 40 feet. I won't give it exact—and one smaller, what we call an open fishing boat.

Mr. RICE. What would you estimate to be the value of the cruiser?

Mr. CATON. Well, you mean what it would be worth, what it could be sold for now?

Mr. RICE. Yes.

Mr. CATON. Well, approximately, it ought to be worth around four or five thousand dollars.

Mr. RICE. How much was the engine worth that you installed?

Mr. CATON. Well, I wouldn't be able to give the exact price of it. I can give you the horsepower, and so forth and so on like that.

Mr. RICE. Well, what would you estimate?

Mr. CATON. Well, the new price of it would be, possibly, \$3,000.

Mr. RICE. Now, did there come a time when you were approached by Sheriff Culbreath to go into an enterprise with him?

Mr. CATON. Yes, sir.

Mr. RICE. Tell the committee about that, when it was, when it started?

Mr. CATON. Well, the first of it was before the war. We talked of the business someplace on the beach, or someplace like that, in the marine ways and also a fish business, and about that time the war came along and we regarded the fact that the war was coming on and didn't want to try it. Later, after the war, before I was released from the Army, he approached me one day and asked me did I want to continue on what we talked about before the war. I told him "Yes; I would like to." So, he told me to locate a piece of property and he would finance it, and the verbal agreement was that he was to furnish the money to buy the piece of property, put in the ways and also a freezer, and equip the place for business, and that I was to draw a salary; and, when the money had been paid back to him as to what he put in it, I was to be a one-half interest in the business.

Mr. RICE. So that you, after the purchase price was taken care of, were to be fifty-fifty partners?

Mr. CATON. Yes.

Mr. RICE. Was any part of that agreement reduced to writing?

Mr. CATON. No; not any of that part.

Mr. RICE. It was merely an oral agreement?

Mr. CATON. Yes.

Mr. RICE. Then, what did you do in furtherance of that proposition?

Mr. CATON. Well, I located a piece of property over on the beach; and, for the reason that it was under a lease, we negotiated a deal with a man for the property. He said he would sell it, but it was under lease for around 3 years.

Mr. RICE. Where was this property?

Mr. CATON. It was in Pass-A-Grille.

Mr. RICE. What was it? A lot and a building?

Mr. CATON. Yes, sir.

Mr. RICE. With whom did you negotiate? Who owned it?

Mr. CATON. Well, I can't pronounce the name exactly, but the best I can get it is Zekosky.

Mr. RICE. A man by the name of Zekosky?

Mr. CATON. Yes.

Mr. RICE. He owned the property?

Mr. CATON. Yes.

Mr. RICE. With his wife?

Mr. CATON. Yes.

Mr. RICE. Did they operate some business on the property?

Mr. CATON. No. I think it was leased to Mr. Iler, of the Iler Fish Co.

Mr. RICE. What did you tell Mr. Zekosky about the reason you wanted the property?

Mr. CATON. Well, I explained to him that I was negotiating with the man; we were talking about the deal, and that I thought it was a good proposition for me if we could buy the property. He told me, well, he would sell the property to me if it was going to be improved and put in condition to improve the island or the peninsula, whatever you call it; that he didn't have any further use for it other than just to have it rented, and would like to dispose of it for that purpose.

Mr. RICE. What was the time of this negotiation, Mr. Caton? What year?

Mr. CATON. In 1946.

Mr. RICE. In 1946?

Mr. CATON. In the early part of 1946; yes, sir.

Mr. RICE. What was the offering price or the asking price?

Mr. CATON. Well, at the beginning it was supposed to have been \$15,000; but, through negligence on our part, it got up to \$20,000.

Mr. RICE. I didn't follow you. What was the reason for its getting to 20?

Mr. CATON. Negligence on mine and Mr. Culbreath's part. It went up to \$20,000, because we made an agreement one time, and later we made another agreement: and then, the third agreement, it was up to \$20,000.

Mr. RICE. Tell us how the deal developed?

Mr. CATON. Well, we was over there and saw Mr. Zekosky—

Mr. RICE. Who was "we"?

Mr. CATON. Mr. Culbreath and I. We negotiated the deal and we agreed on a price of \$15,000.

Mr. RICE. Yes.

Mr. CATON. Well, later, I think it was Mr. Zekosky went away and was gone for 3 weeks, approximately 3 weeks, and when I went back to him, in the meantime we had bought Mr. Iler's equipment, expecting to buy the place.

Mr. RICE. Who is "we" again?

Mr. CATON. Mr. Culbreath and I.

Mr. RICE. What did you pay for that?

Mr. CATON. \$750 was for the equipment, and there was—

Mr. RICE. Who put up the money?

Mr. CATON. Mr. Culbreath.

Mr. RICE. In cash?

Mr. CATON. Well, I think it was a check.

Mr. RICE. Were you there?

Mr. CATON. Yes, sir.

Mr. RICE. So that you bought Iler's interest?

Mr. CATON. Yes, sir.

Mr. RICE. In the lease and the property?

Mr. CATON. In the equipment.

Mr. RICE. Then, what did you do with the Zekoskys?

Mr. CATON. Mr. Zekosky, when we went back, when I went back to him to make an appointment for Mr. Culbreath to meet me in St. Petersburg in some attorney's offices for the final deal, Mr. Zekosky told me: "Why, this price was several weeks ago, a few weeks ago," he says, "I can't hold to that. You didn't put up any money, and I can't deal on that unless you offer more money." Mr. Culbreath and I went back again and talked to Mr. Zekosky. The agreement then was supposed to be \$18,000, and we were going to pay that. There still wasn't any money put up.

Mr. CATON. So time elapsed, for I don't know exactly what reason. Anyway, there wasn't anything put up. We made another date, and when I went over there to make the date for him he said "No"; that was passed, and he had more money offered for the property and had to have it, if he has it. So, I came back and negotiated with Mr. Culbreath again. So, he said we would go over again, and we made the third trip and this time they didn't agree, and later I came back and talked to Mr. Culbreath and he told me to go back and talk to

Mr. Zekosky and make him the proposition if he would sell him the property and allow me the commission that he would pay him \$18,000, which would make \$19,000 with the commission; and that is what he paid for the property.

Mr. RICE. Did he pay that in greenbacks?

Mr. CATON. Yes, sir; in cash.

Mr. RICE. What did he tell you about that?

Mr. CATON. He didn't comment on that other than he said it was up to Mr. Zekosky to do what he wanted to do with it.

Mr. RICE. He told you to offer him greenbacks. What was the purpose of that?

Mr. CATON. Well, I couldn't very well make that statement.

Mr. RICE. What did he tell you to tell Zekosky?

Mr. CATON. He didn't tell me to tell him that. I heard him make that statement himself to Mr. Zekosky.

Mr. RICE. What was the statement?

Mr. CATON. He just told Mr. Zekosky that if it was necessary he could pay him in cash. I think, instead of greenbacks, he said "cash."

Mr. RICE. Was there any question in agreeing on a selling price less than what he actually did pay?

Mr. CATON. No, other than the argument was that Mr. Zekosky had told me and Mr. Culbreath both that he had already sold some property that year and it would run his income for that year quite high.

Mr. RICE. From a capital-gain point of view?

Mr. CATON. Yes, and that he would rather wait until after the first of the year to make the deal, and that was when the proposition came up to pay in cash.

Mr. RICE. And he came back and said he would pay in cash?

Mr. CATON. Yes, sir. Well, he didn't say for what reason. I couldn't say.

Mr. RICE. I take it, the title was searched when there came a time for selling it.

Mr. CATON. Well, there was approximately seven-hundred-and-something dollars put up in escrow for the title to be searched, and the day that we were to make a date for—

Mr. RICE. Who put that money up, Mr. Caton?

Mr. CATON. Mr. Culbreath; that was in a check.

Mr. RICE. How did he put it up?

Mr. CATON. To the best of my recollection, there was another man by the name of Zewadski.

Mr. RICE. He was a lawyer?

Mr. CATON. Yes, sir; and he had to get the title and everything arranged, and Mr. Johnson and Mr. Ramsure. Mr. Ramsure was a man Mr. Johnson was working for, and he handled the transaction.

Mr. RICE. Who represented you and the sheriff?

Mr. CATON. Mr. Johnson and Mr. Ramsure.

Mr. RICE. And Mr. Johnson and Mr. Ramsure represented Zekosky?

Mr. CATON. Yes, sir; that is right.

Mr. RICE. And what happened at the settlement when it came time to pay for the property, what was the final agreed selling price?

Mr. CATON. The money to be involved was about \$19,000.

Mr. RICE. That was the selling price?

Mr. CATON. Yes, sir.

Mr. RICE. Was there a contract to that effect?

Mr. CATON. Yes, sir. I took the contract in mine and my wife's name.

Mr. RICE. So that you were the buyer on the contract?

Mr. CATON. Yes, sir.

Mr. RICE. And Zekosky was the seller?

Mr. CATON. Yes, sir.

Mr. RICE. And at the settlement, what happened?

Mr. CATON. Mr. Culbreath was supposed to meet me at Mr. Ram-sure's and Johnson's office in St. Petersburg, and my wife and I was there on time. It began to look like there wasn't nobody showing up and directly a man named Mr. Italiano appeared.

Mr. RICE. What was his name?

Mr. CATON. I didn't know his given name other than I have heard him called Red Italiano.

Mr. RICE. Red Italiano?

Mr. CATON. Yes, sir. And one of his bookkeepers came into the office and said they were there to represent Mr. Culbreath in the deal. Well, when it came about like that I told Mr. Johnson that in that case, that if he was going to handle it, and they were going to take the title in the Anthony Distributors Corp.'s name—

Mr. RICE. They told you that?

Mr. CATON. Yes. I told them that if that was the case I didn't want any further to do with it and Mr. "Red" Italiano assured me right across the desk that he was only negotiating in this deal for Mr. Culbreath and that he would have no jurisdiction over the property, and so forth, and that I would be solely in charge, rather than Mr. Culbreath.

Mr. RICE. Did you know that Mr. Italiano had been in the penitentiary?

Mr. CATON. Only what I heard some of the other witnesses say and that I read in the newspapers, and what I heard.

Mr. RICE. What happened?

Mr. CATON. Well, it was drawn up. There was already a deed made to be transacted.

Mr. RICE. What was that?

Mr. CATON. It was supposedly to go in mine and Mr. Culbreath's name, but in the meantime, when they came over to put the deed in our names, or whatever it was going to be fixed up, there had to be a new deed made up and it took 3 or 4 hours, but anyway it was drawn up in the Anthony Distributors Corp. and at that time Mr. Zekosky refused to make the change because he said the place was going to be improved and fixed up and he wanted me in connection with it.

Mr. RICE. Zekosky wanted to sell to you only?

Mr. CATON. Yes; and after finally they persuaded him and Mr. Johnson as long as you are going to operate that way it was better to go ahead and carry the deal through, and it was put in that way. Later I was just left out.

Mr. RICE. Who was Anthony Distributors?

Mr. CATON. At that time I didn't know, right at the present, but later I found out it was a distributing corporation, I think, on Grand Central Avenue.

Mr. RICE. Distributing what?

Mr. CATON. Wine, whisky, and beer.

Mr. RICE. Who was associated with the company?

Mr. CATON. I don't know other than Mr. Italiano. That was the man that was with us at the time.

Mr. RICE. I show you a photostat and ask you if you recognize that.

Mr. CATON. Yes.

Mr. RICE. What is it? It is a deed, is it not?

Mr. CATON. Yes.

Mr. RICE. And that covers the property that you talk about?

Mr. CATON. Well, I haven't had time to read it all, but I presume that it is what it is.

Mr. RICE. And that deed is dated what?

Mr. CATON. It was in 1946.

Mr. RICE. In July 1946?

Mr. CATON. I don't remember the exact day of the month, but I know it was in 1946 when the deed was taken.

Mr. RICE. Is not that the deed that you executed that day, or was executed that day?

Mr. CATON. Yes.

Senator HUNT. Let me suggest that the witness take the time to first peruse that and look at it so that you can answer that question "Yes" or "No," because I think that is an important question.

(The witness complied.)

Mr. CATON. Yes; that is the lot numbers and everything.

Mr. RICE. Who did that deed run from, who sells and who buys on that?

Mr. CATON. You are talking about this year? This is Zekosky right here. I am not very well educated.

Mr. RICE. Yes; it runs from Leopold Zekosky and wife, Helen, to Anthony Distributors?

Mr. CATON. Yes sir.

Mr. RICE. And is dated the 6th of July 1946?

Mr. CATON. Yes.

Mr. RICE. We will offer that.

Mr. CATON. Yes; I will say that is the deed.

Senator HUNT. The exhibit will be received for the record, designated exhibit for Rice.

(Thereupon, the exhibit was received in evidence, identified as exhibit No. 5, and appears in the appendix on p. 484.)

Mr. RICE. Now, then, did you see any money passed that day?

Mr. CATON. No, sir; I was not right present at the time it was passed, but I do know that it was paid according to what they told me.

Mr. RICE. What did they tell you?

Mr. CATON. They told me the deal was all settled and we could go ahead.

Mr. RICE. Who produced the check or the money?

Mr. CATON. Mr. Italiano, he is the one that brought the deeds and things away, and so I presume he is the one that put up the money.

Mr. RICE. Italiano told you it was all settled?

Mr. CATON. Yes.

Mr. RICE. What happened next? Did you go into the business?

Mr. CATON. Yes. I was kind of running in there on a shoestring proposition waiting the final agreement on Mr. Culbreath's and my part of it, and one time in there he gave me approximately \$350 to get started for lights, water, and salaries of the men that were work-

ing there, and so forth; and it dragged along about 6 months and finally Mr. Culbreath went on a vacation and I called him up the day before he went and told him—I was financially up to where I would have to have some money to carry the property on; and he told me he didn't have any money at all to carry it on until he got back, which would be about 3 weeks; he was going to see his son, and he said to go ahead and carry the proposition on until he got back; which I did. In the meantime, a man came along and said that there was \$90 due on the rent and I had to put up that, and when Mr. Culbreath finally got back—and I had put quite a good deal of money in it and my time, and when I approached him again he told me that he didn't have any further contact with it, that I would have to deal with Mr. Italiano if I wanted to deal with the fish house any more. I saw Mr. Italiano, and he said he couldn't give me any word for a few days. I went back in a few days, like he told me to, and at this time he told me that he could not put any more money in the place. I explained to Mr. Italiano that I had put a good deal of money in the place and Mr. Culbreath had, and I wasn't able to lose my part of it because I was a workingman and making a living by working. Mr. Italiano gave me \$300 and I signed the check and he cashed it right then. He said he would help me out on it that much. I went back to Pass-A-Grille and did away with what I could of the bills, and so forth, and paid them up and left the place and returned Mr. Culbreath's boat back to him here in Tampa at my expense.

Mr. RICE. During the time that you were running the place, after the sale was transacted, who was paying for the materials and purchases that you were making?

Mr. CATON. Well, we were supposedly operating it together, but I put in quite a bit of money myself, these bills here—I did buy and sell some fish and we did take in some money. There was some profit in it, but it was not enough to take care of the whole business.

Mr. RICE. What are those bills?

Mr. CATON. Those are gasoline and oil bills that was bought and sold to the fishermen, the boats used gas and oil; there was a pump there. Originally, Mr. Culbreath made arrangements, I understood, with the Standard Oil man, said that he had made arrangements for credit.

Mr. RICE. Who had made arrangements for credit?

Mr. CATON. Mr. Culbreath.

Mr. RICE. And these bills go to Mr. Culbreath?

Mr. CATON. Yes.

Mr. RICE. And they are for gas, oil, lumber, and material?

Mr. CATON. Yes.

Mr. RICE. Were they paid by Mr. Culbreath?

Mr. CATON. No; I paid these bills myself with the money that he gave me.

Mr. RICE. I see.

Mr. CATON. And then we later paid—from the beginning—these are some of the first bills—later it was put in the name of the Pass-A-Grille Fish Co. and it was operated from that on until I left it, because I couldn't carry it on and I didn't have any money, and the

agreement was just dropped as far as my side was concerned and I was left out in the cold.

Mr. RICE. I show you some tax bills and ask you if you know what they are.

Mr. CATON. Well, these bills are duplicates. After Mr. Culbreath told me that he didn't have any further arrangement, I was interested enough that I looked it up to see who was paying the taxes on the property.

Mr. RICE. He told you that he was no longer interested in the property?

Mr. CATON. Yes.

Mr. RICE. And you did not believe it?

Mr. CATON. No, sir; I didn't believe it.

Mr. RICE. What did you do?

Mr. CATON. Just like anyone else. If you didn't believe a thing, you want to satisfy your own mind about it and that is what I did.

Mr. RICE. What did you find?

Mr. CATON. I found that he paid the taxes.

Mr. RICE. What is the date that you found he was paying the taxes?

Mr. CATON. It is dated there in 1947, he paid them in 1947.

Mr. RICE. Do you know who has paid the taxes since then?

Mr. CATON. No, sir; I don't.

Mr. RICE. At any event, he was paying the taxes, according to the record as you found it, after he told you that he was no longer interested in the property?

Mr. CATON. Yes.

Mr. RICE. Did you feel that you were double-crossed?

Mr. CATON. Well, I wouldn't exactly say I was double-crossed. I just more or less bit off something that the other man didn't hold up to his agreement, is all. I figured a man's word was as good as his bond. He didn't hold up to what he agreed to do. I thought a man in his position, that he was in, being the sheriff, of his standing, being the sheriff of the county, I could take his word for it.

Mr. RICE. Since you have been out of the proposition, do you know who is paying the rent there now and to whom?

Mr. CATON. Well, I understood the last that was being paid on it was, of the big fishhouse, was Del Peacock was paying it, and one of the boys told me that he was paying the rent to Mr. Culbreath.

Mr. RICE. He is still paying the rent to Mr. Culbreath?

Mr. CATON. He didn't show me any papers to that effect, but he told me that in plain English, that he was paying it to Mr. Culbreath, for turtles that were being shipped in.

Mr. RICE. What became of Italiano and Anthony Distributors?

Mr. CATON. I don't know. I never saw him anymore after the day he gave me the money, what he offered to help me out on, what I had put in it, to offset some of the money that I had put in. I have never called on him since.

Mr. RICE. Would it be a fair summation to say that this was the proposition: That the sheriff sent you there to buy the property with his money and you contracted to put it in your own name, to operate on a 50-50 basis with him, and after that, there was a switch to Italiano and Anthony Distributors took title?

Mr. CATON. Yes; that is right.

Mr. RICE. After that Anthony Distributors and Italiano disappeared and Sheriff Culbreath came back into the picture and you were out?

Mr. CATON. I went to Sheriff Culbreath, as I said a while ago, to make it plain, and he told me that he had no longer anything to do with it and that I would have to contact Red Italiano, so I contacted Red Italiano and he told me—I wanted to carry the business on—and he said he couldn't do anything for the next few days and he would let me know, so that is when I went back and he let me know, and that is when he gave me \$300 and said he didn't want any further to do with it.

Mr. RICE. What do you estimate your net loss, in addition to the time consumed, in money?

Mr. CATON. At the time I had it pretty well figured out. Of course, the stuff has been juggled around now. I had the exact figures. The place was in the hole with my money, around \$650, and he gave me \$300, and I had put 6 months of my time and gas and oil that I paid for myself over there, in there.

Mr. RICE. During the time you were going around with Sheriff Culbreath, looking at the property, did he point out other parcels of land and buildings which he said he owned?

Mr. CATON. Yes, sir.

Mr. RICE. Where were those?

Mr. CATON. Two locations in Pass-a-Grille.

Mr. RICE. Where were they?

Mr. CATON. One on the same side of the street between there and what we call the downtown part of Pass-A-Grille.

Mr. RICE. That is a large lot opposite Washington Park?

Mr. CATON. Yes.

Mr. RICE. And another lot you say?

Mr. CATON. Yes. It was somewhere down behind what we call the post office in the downtown part of town. He said he owned that. He drove me down there for no reason whatsoever and pointed out the property to me and said he owned it. I didn't ask him to do it.

Mr. RICE. That was a vacant lot, unimproved property?

Mr. CATON. Yes, sir.

Mr. RICE. In a good, respectable neighborhood?

Mr. CATON. Yes.

Mr. RICE. Was there another property along the Gandy Bridge?

Mr. CATON. Yes. We negotiated a long time putting in a little place on Gandy Bridge that belonged to the State and Mr. Culbreath told me that he owned a piece of that property on the left-hand side of the bridge.

Mr. RICE. On the south side of the bridge?

Mr. CATON. Yes, the south side of the bridge going to St. Petersburg, at this end.

Mr. RICE. Is that on the south side of the Tampa end of Gandy Bridge?

Mr. CATON. Yes.

Mr. RICE. I think we will offer the tax bills and these other papers as one exhibit.

Senator HUNT. The exhibits will be received and designated "Exhibit No. 6."

(Thereupon, the exhibits were received in evidence and designated "Exhibit No. 6," and are on file with the committee.)

Senator HUNT. You are appearing here in response to a subpoena that you received?

Mr. CATON. Yes.

Senator HUNT. I think we will excuse you for the moment.

Mr. CATON. O. K.

Senator HUNT. The committee will stand in recess until 1:30 o'clock this afternoon.

(Thereupon, the committee recessed until 1:30 p. m., the same day.)

AFTERNOON SESSION

(The committee reconvened at 1:30 p. m., pursuant to the taking of the noon recess.)

Senator HUNT. The chairman wishes to read into the record a letter dated December 27, addressed to the United States Senate Committee on Interstate Crime, Tampa, Fla.:

GENTLEMEN: On Saturday, December 23, 1950, I was served with a subpoena by the United States marshal's office to be and appear before your committee in Tampa, December 30, 1950, at 9:30 a. m.

On the afternoon of December 23, I had a severe attack of hemorrhoids which became strangulated and caused me to hemorrhage. I was confined to my bed at home Saturday and Sunday, December 23 and 24, and underwent treatment to alleviate my condition. However, on Monday, December 25, I was ordered by my physician to report to the hospital and undergo surgery, and on Tuesday, December 26, my surgeon performed a surgical operation to correct my condition. I do not know if I will be discharged from the hospital and physically able to attend your committee hearing on December 30 as ordered. In the event I cannot be there on said date I will be available at the hospital where you may, if you wish, question and interrogate me. You may contact my surgeon to substantiate the matters related herein. His name is Dr. Thomas Nelson, proctologist, Citizens Building, Tampa, Fla.

With very best wishes, I am,

Very truly yours,

MANUEL M. GARCIA.

Now, for the record, we are having the United States Public Health Service check on the correctness or authenticity of this letter.

The first witness this afternoon is Chief of Police M. C. Beasley, of the city of Tampa.

TESTIMONY OF M. C. BEASLEY, CHIEF OF POLICE, TAMPA, FLA.

Senator HUNT. Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BEASLEY. I do.

Mr. RICE. Mr. Beasley, how long have you been chief of police in Tampa?

Mr. BEASLEY. Since August 1, of this year.

Mr. RICE. Were you associated with the police department prior to this time?

Mr. BEASLEY. Yes, sir.

Mr. RICE. For how long?

Mr. BEASLEY. I went to work with the police department 25 years ago.

Mr. RICE. And you have been with the Tampa Police Department since that time?

Mr. BEASLEY. With the exception of 1942, I went into the service, and I returned in 1946.

Mr. RICE. You returned to the department in 1946?

Mr. BEASLEY. Yes, sir.

Mr. RICE. You are appearing here in response to subpoena to produce certain records?

Mr. BEASLEY. Yes, sir.

Mr. RICE. Do you have those with you?

Mr. BEASLEY. I have as many as I can produce; yes.

Mr. RICE. We would like at this time to go into those. Kindly make those available to the staff.

Mr. BEASLEY. Yes, sir.

Mr. RICE. I will ask you if you have the file on the killing of Angelo Lazzara, who was a filling station owner and undercover agent for the fire department and killed early in the morning of July 26, 1931, while driving south on Twenty-ninth Street, 10 minutes after leaving a gambling establishment. Two loads of buckshot were fired from a sedan which struck him in the face. Officers said he knew too much and no one was arrested.

Mr. BEASLEY. I do not have the Lazzara record. I do have records from 1932 up to this date.

Mr. RICE. I see. Well, we appreciate the fact that some of this is going back quite a few years, but in view of the history that has developed we thought we would like to explore.

Mr. BEASLEY. There have been many changes in the department, been many change-overs.

Mr. RICE. Now, going back to 1932, Mrs. Fernando Serrano was killed in a parked car at 10 o'clock on the night of January 10, on Fifteenth Street, near Eleventh Avenue, by a buckshot blast evidently intended for her husband, fired from a moving car. There was no arrest in that case.

Now, then, do you have the record of Armando Valdez, wholesale produce dealer, who was shot to death by two masked gunmen in his home at 2706 Emore Street, on September 26, 1932? The widow identified Mario Zerrate as one of the gunmen, and he was convicted on that identification and sent to prison for life. The officers said that Mario was a brother of George "Saturday" Zerrate, a gambling racket figure who was wounded in an assassination attempt the following year.

Mr. BEASLEY. I have no Valdez record.

Mr. RICE. There is no record available on Valdez, the Valdez killing?

Mr. BEASLEY. No, sir.

Mr. RICE. Have you searched the files or caused them to be searched?

Mr. BEASLEY. Yes, sir; I have searched them myself and caused them to be searched.

Mr. RICE. Do you know of any reason why the files are unavailable.

Mr. BEASLEY. Before the FBI came into our system and set up a file system, the files were kept more or less loosely and some of them became lost. I know there were files made of the Valdez murder, of my own knowledge, but I have been unable to find them. I haven't

seen it since I returned from the service, when I came back to the department.

Mr. RICE. All right. Now, how about Gus Perez, Ybor City furniture dealer, who was murdered with shotguns as he drove along Fifteenth Street, near Buffalo Avenue on the morning of July 24, 1936?

Mr. BEASLEY. This is it. That is all we have on that.

Mr. RICE. This file seems to consist of—

Mr. BEASLEY. The original report.

Mr. RICE. That is it.

Mr. BEASLEY. There was much more filed than that, made on that, because I remember witnesses were questioned and their statements were turned in, and what has become of it, I don't remember.

Senator HUNT. Before going to the next case, what was the disposition of the Valdez case?

Mr. RICE. There was no arrests made, according to our research.

Mr. RICE. Next, we have the murder of Frankie Carrero, whose body was found riddled with buckshot on salt water flats a mile south of the Twenty-second Street Causeway in October of 1936. He was a former New York taxicab driver and frequented gambling houses. There were no arrests.

Mr. BEASLEY. He was found where?

Mr. RICE. He was found on the water flats a mile south of the Twenty-second Street Causeway. He may have been in the county.

Mr. BEASLEY. Yes, sir; that was a county case, we wouldn't have had it.

Mr. RICE. In a county case, we take it that the sheriff's office takes the lead in investigations?

Mr. BEASLEY. The sheriff's office takes the lead at anytime he wishes to, city or county. In an investigation he is termed the leading law-enforcement officer of the city and county. The fact is that he can come in and take over a case and assist in or out of the city. If it is in the city and he doesn't make an appearance we take the initiative.

Mr. RICE. As a matter of police practice in your outfit today, suppose the murder occurred in the county just over the city lines. Don't you think it would be good police practice to have a file on the details of that in the event it was perpetrated by someone who would be within your jurisdiction?

Mr. BEASLEY. Well, in making up a file it would be duplication of work. We depend on the sheriff's files in murder cases where they are committed in the county.

Mr. RICE. Now, the next one we have is George "Saturday" Zerrate, who was shot on Eighth Avenue and Fourteenth Street, on the night of November 10, 1936, by two gunmen in a car, firing sawed-off shotguns. He was also shot at in his home in the 2100 block of Nebraska Avenue. He was later arrested in New York as a suspect in dope trafficking with Charles "Lucky" Luciano. There was no conviction. Further in 1920, Zerrate was known as the lieutenant of Ralph Rana, one of the big three gamblers here. When he was arrested in New York in 1948, on a drug charge, he was said to have been trying to muzzle in on the dope racket of Jack Gordon, Col. Garland Williams, the New York narcotic chief, and both Gordon and Zerrate were supposed to obtain their drugs off the boat of Lucky Luciano.

Mr. BEASLEY. I have looked for the Zerrate file and I haven't found it. However, I remember that I was on that case when they reported the shooting at his house. That was a fake report, and it was determined that he pulled that as a fake, and tried to make a laughing stock of the officers who investigated the case.

Mr. RICE. Well, there is no question but what he is dead now, is there?

Mr. BEASLEY. Saturday Zerrate?

Mr. RICE. Yes, sir.

Mr. BEASLEY. Not that I know of.

Mr. RICE. Let me ask you this: On a killing there isn't any statute limitations, is there?

Mr. BEASLEY. No, no.

Mr. RICE. Well, does there come a time when the police department stops investigating a killing?

Mr. BEASLEY. No, sir.

Mr. RICE. So that you do keep after the perpetrator of the crime?

Mr. BEASLEY. Yes, sir.

Mr. RICE. Well, now, if you have no files what do the police officers who get some information on the killing do?

Mr. BEASLEY. Well, let me correct an impression you have gotten evidently that I didn't say that we didn't make files. I said that they had become lost.

Mr. RICE. I see. Well, having been lost, you are in a position where, if an officer does obtain information he has really no place to check where he would get a written report, he would have to start and ask around if he doesn't know the personal details of the killing?

Mr. BEASLEY. And as a rule in the shooting cases where there have been murders and the witnesses have been carried to the State attorney's office, he does have a file there revealing the witnesses' names and what their statements are.

Mr. RICE. Well, actually, what do you think happened to these files? Do you think they were stolen?

Mr. BEASLEY. No, sir; I don't know. It was a loose way the files were handled during the course of the years. I went into the detective bureau in 1936, the latter part of 1936, then I went into the department called the auto theft bureau which was in existence at that time, and then later went into the detective bureau.

Mr. RICE. Well, were not, or are not the files kept in a secure, safe place or locked?

Mr. BEASLEY. They are kept in file cases in the chief of detective's office.

Mr. RICE. Is that accessible to the general public?

Mr. BEASLEY. No, sir.

Mr. RICE. The only people that have access to that, then, are police officers?

Mr. BEASLEY. Police officers and detectives. The only way they could have been taken out of the files was by those who were handling them.

Mr. RICE. It is a fair assumption, then that if the files were removed or stolen that it was a police officer that did it.

Mr. BEASLEY. Not necessarily; no, sir. For a while there the detective office was closed, there wasn't anybody in there, they could have

been stolen at that time—they could have been stolen by somebody when they wasn't looking. I don't know how they were gotten out of there.

Mr. RICE. Did you ever file on Angelo Greco, the produce dealer, who was wounded by three shotgun blasts from a moving car on the night of December 21, 1936, as he was driving on Thirty-second Street near Lake Avenue?

Mr. BEASLEY. From what we can determine the police investigation revealed nothing.

Mr. RICE. The files have eluded us just as the killers have?

Mr. BEASLEY. They must have; yes, sir.

Mr. RICE. Eddie Verellio, a gambling-house proprietor and lieutenant of Charlie Wall and Tito Rubio murdered on the morning of January 21, 1937, near his home at 2713 Morgan Street. No arrest. One source claimed the Mafia, another source claimed Verellio was knocking down on the Lincoln Club which was then operated by Charlie Wall. Verellio operated Tito and Eddie's place, a gambling house, along with Tito Rubio, also later killed. Have you the file on that?

Mr. BEASLEY. Eddie Verellio's file.

Mr. RICE. The file seems to consist of photographs of the death car and the victim and several letters.

Mr. BEASLEY. That was what I could find from my search.

Mr. RICE. Now here is an interesting murder, that of Joe Vaglichi, alias Joe Vaglichio, who was murdered early in the morning of July 29, 1937, at his sandwich stand on Nebraska Avenue by four shotgun blasts fired from a passing car. There were no arrests, but investigating officers believe that at the time Vaglichi was a killer in the pay of the Mafia for jobs in New York, Chicago, Detroit, and Cleveland. Reports had it that Vaglichi had a brother in the Chicago rackets who had been a bodyguard for Al Capone. Vaglichi himself was arrested in Cleveland by the police department there on December 26, 1928, with 23 other Italian gangsters at the Hotel Statler, after there was a report of a meeting there of the Mafia. Among that group they found 13 revolvers.

Chief BEASLEY. I have a record of that.

Mr. RICE. Thus far, Chief Beasley, we fail to find anything in the files which indicates police activity. Here we have the newspaper report of the murder, the death, and criminal record of Vaglichi and a statement about the killing, but you note there are no investigator's report indicating who the suspects were or what leads were pursued or what activity took place.

Mr. BEASLEY. I am not going to try to justify those records by any statement because I did not have charge of the records and there was a possibility—

Mr. RICE. We understand that. We are not trying to pin you but as a matter of police policy—

Mr. BEASLEY. Like I told you, the files were loosely kept until the FBI gave us instructions on how to keep the files.

Mr. RICE. The next one we have is the murder of Tito Rubio, partner of Eddie Verellio, who was killed on January 21, 1937. Rubio was killed by three gunmen by three shotgun blasts as he entered the kitchen door of his home at 413 East Gladys Street, early in the morn-

ing of March 19, 1938. The murder occurred during a grand jury session and was reported to be timed so as to put the heat on the fact that there were gambling collections and it was reported that this murder was also inspired by the Mafia or perpetrated as the result that Mafia had access to the records.

Now, then, do you have any files on the attempts on the life of Charles Wall, the witness we had this morning?

Mr. BEASLEY. There were two files. Those are the two files I have.

Mr. RICE. Averaging 66 $\frac{2}{3}$ on this one.

Henry Hull, a reported collector for a Lakeland gambling house whose bullet-riddled body was fished out of the Hillsborough River in October 1939.

Mr. BEASLEY. I don't remember that case being handled by the city.

Mr. RICE. Possibly by the county. You have no file, have you?

Ignacio Antinori, killed by a masked gunman in a suburban tavern in October of 1940 while in the company of Jimmy Valbrigio, alias Jimmy Gagin. We understand the murder gun was traced to New Orleans where it was purchased by a man who gave the phony name of John Adams to a Sears, Roebuck store there. The weapon was purchased October 7, 1939, and it was interesting to note that was just 11 days before Mario Perla was killed. Antinori was then the kingpin of Tampa gambling, but was reported being pushed out by the syndicate in 1937. Antinori is the father of Paul and Joe Antinori, who have been involved in narcotic activities.

Well, let me start, coming down to date. Jimmie Velasco, who was a gambling syndicate leader, was killed by revolver shots as he left a bolita collection point December 12, 1948, with his wife and daughter. I believe that Joe Provenzano was tried for that crime, but was not convicted?

Mr. BEASLEY. That is true.

Mr. RICE. Is the investigation of Velasco active at the moment?

Mr. BEASLEY. It is still active; yes, sir.

Mr. RICE. Will you tell us something that the police are doing in an effort to locate the killers?

Mr. BEASLEY. They are still trying to get information out there in Ybor City where it happened, from different ones who knew the different families. We take it for granted that he was killed in the gambling racket. We are still questioning people—wherever we can get some lead or some information we run it down.

Mr. RICE. All right. Jimmie Lumia, who seems to have arisen to gambling power after the murder of Velasco, was killed with a shotgun blast by two gunmen in a car that followed him on Nineteenth Street south of Adamo Drive. That occurred, I believe, June 5, 1950.

Mr. BEASLEY. Yes, sir.

Mr. RICE. Have there been any arrests in connection with the Lumia shooting?

Mr. BEASLEY. No, sir.

Mr. RICE. That investigation is also active?

Mr. BEASLEY. Yes, sir.

Mr. RICE. Would you want to tell the committee whether you believe there is a possible chance of solving that any time soon?

Mr. BEASLEY. I don't know. In each one of these murders it seems that the people have—that whenever you appear on the scene of the shooting, anybody that has seen it, even the people that Lumia was talking to in the truck hesitated about telling us, the one that the deputy sheriff ran down, he hesitated to talk about it; and one of them even went home from the hospital before appearing at the station. It seems to be that even, in the case of a robbery, that there is an effort in a certain element of the Latin people when these killings occur, that they hesitate and refuse to identify anybody.

Mr. RICE. What cause do you give for that? Fear, more or less?

Mr. BEASLEY. Shotgun shootings. They are afraid themselves of retaliations.

Mr. RICE. Not in retaliation for testifying to the truth?

Mr. BEASLEY. Yes, sir. There is one robbery that we went on not too long ago, the Gradiatz-Annia Cigar Co.

Mr. RICE. What?

Mr. BEASLEY. The Gradiatz-Annia Cigar Co. We went out there and we got witnesses that saw the car, saw the man use the stepladder to go into the window and effect a robbery of approximately \$25,000. We found those witnesses, and a news reporter followed right behind the investigating officers and got the names and addresses of these witnesses and published them in the paper, and we couldn't get either one of those witnesses the next day, or, rather, that same evening, to say anything about that robbery. One of them told me that they got a telephone call that if they wanted to live and be happy they wouldn't know anything about the robbery. That lady worked for Gradiatz-Annia and she later disappeared. She disappeared of her own accord, because she borrowed some money here from a finance company.

Mr. RICE. Do you believe there is a Mafia or syndicate?

Mr. BEASLEY. I absolutely do; yes.

Mr. RICE. Do you believe—you do?

Mr. BEASLEY. I believe it does exist.

Mr. RICE. Would you like to tell us what your concept of the Mafia is and its effect on these murders and witnesses?

Mr. BEASLEY. My concept of the Mafia is that—well, I believe it consists of Italian people who have come from the southern part of Italy, Sicily—I believe they are known as Sicilians—that have immigrated into this country through the immigration channels in the early part of Mussolini's regime. There were criminal bands, as I have read the history of it, running wild and rampant over Italy and Sicily especially, that came over here and, as a result, we have the Al Capones and other different people that organize into a crime syndicate. I believe that those people got themselves into this crime syndicate through a lot of political influence, higher than I am and higher than—I think I would be small fry to the contacts that they have.

Mr. RICE. From your investigation of these various murders, do you feel that any of those were perpetrated as a direct result of a Mafia order?

Mr. BEASLEY. I can only assume that it was, because of the circumstances that surrounded each one of them. I have not had the direct testimony that we could convict in court on.

MR. RICE. We appreciate that. We did not ask, would not ask you for an opinion on something like that. As to the actual trigger man, the gunman, in some of these killings, do you feel that they are local members of the Mafia, or that they are imported gunmen?

MR. BEASLEY. I always judged that they were imported, because they had far-reaching activities, just like you show in your chart there, and they have—it would be foolish for one of them who is well known in the city of Tampa to go out on the street, even in the day or night, and perpetrate a shooting there. Then there has been evidence that you will find in these records that will trace some of the actual implements of death, trace it back to different cities out of Tampa.

MR. RICE. Suppose you find in tracing, say, a murder weapon to New Orleans or any other city, for that matter, that the investigation should take you to that other city to follow out the crime, what do you do then?

MR. BEASLEY. We don't have any fund to carry us anywhere. I have a \$200 a year travel fund.

MR. RICE. So, to all intents and purposes, you are stopped at the city line?

MR. BEASLEY. Actually at the city line; yes, sir.

MR. RICE. What happens over the city line is beyond—

MR. BEASLEY. Unless I am asked by the county officials to participate in an investigation; and, of course, we do that as a matter of cooperation.

Senator HUNT. A couple of minutes ago in your testimony you made a reference to the influence the leaders of the Mafia have because of political influence on a higher level than your own. Would you designate what level and whom you have reference to?

MR. BEASLEY. Well, I don't have any reference to any particular level, sir. It is all along the line, in my opinion, more or less.

Senator HUNT. Well, spell them out, if you will; name them. What levels do you have in mind?

MR. BEASLEY. Well, maybe it is not the Mafia influence so much as it is the gamblers, we will say, because I can't say that the Mafia has direct influence on any politician.

Senator HUNT. Then your inference is that the gamblers have?

MR. BEASLEY. That the gamblers have; yes.

Senator HUNT. Will you tell on what level and who those politicians are?

MR. BEASLEY. I will say this: That during the regime of a governor, that this governor engineered and got into a legal status the slot machines in Florida, which was one of the worst curses we ever had in this State, in my opinion.

Senator HUNT. What year did that action take place?

MR. BEASLEY. During Governor Sholtz' regime.

Senator HUNT. You speak of witnesses refusing to talk. What action did you take to get those witnesses into court and in the witness chair and refuse to answer questions?

MR. BEASLEY. We have had them before the grand jury, sir.

Senator HUNT. And after they refused to answer, the grand jury made no recommendation?

Mr. BEASLEY. They didn't get up and refuse to answer the questions to the grand jury. They just said, "I don't know. I didn't see it," and we know that they did.

Senator HUNT. What official body is this that allows you only \$200 traveling expenses a year?

Mr. BEASLEY. That is the budget, the city budget, that is made up by the city.

Senator HUNT. Who is the budget officer accountable to?

Mr. BEASLEY. To the comptroller of the city.

Senator HUNT. Who is the comptroller accountable to?

Mr. BEASLEY. To the representatives of the city.

Senator HUNT. What are the representatives of the city? Are they elected aldermen, councilmen?

Mr. BEASLEY. Yes, sir; they are elected aldermen. The mayor and the board of representatives has the final passage on the budget.

Senator HUNT. Are you appointed or elected?

Mr. BEASLEY. I am appointed by the mayor.

Senator HUNT. By the mayor?

Mr. BEASLEY. Yes, sir.

Mr. RICE. We would like to have an opportunity to review the records a little and to recall Chief Beasley later on if we continue on an adjourned status. It would be appreciated.

Mr. BEASLEY. All right.

Mr. RICE. We will excuse you for the moment. Do you have other files there?

Mr. BEASLEY. There are files here that you might look over.

Mr. RICE. Yes; we will take those.

Senator HUNT. One other question. The \$200 traveling allowance, is that personal or is that for your department?

Mr. BEASLEY. That is a personal traveling allowance. This is a robbery file. You might get some interesting information from that.

Mr. RICE. Thank you. We will try to take care of them.

Senator HUNT. A couple of more questions.

Who are you directly accountable to?

Mr. BEASLEY. The mayor.

Senator HUNT. What is the mayor's reaction when killings of this kind take place in the city?

Mr. BEASLEY. The mayor calls the chief of detectives up and calls the chief of police up there and finds out what course of action we have taken, what we have done and if we have gone to the extent of our ability and of our means. If we haven't, then he tells us that we must, we've got to. I am certain he doesn't condone anything that leads up to these killings any more than the ministerial association does.

Senator HUNT. Is your office and the sheriff's office in the same building?

Mr. BEASLEY. No, sir.

Senator HUNT. How far apart are they?

Mr. BEASLEY. Across the street, say a block apart. The city hall is across the street from the courthouse, and then the police station is an annex to the city hall, back of it on the Jackson Street side, which makes it about a block apart.

Senator HUNT. You and the sheriff work in harmony, do you, together? You cooperate on all matters that come under your joint jurisdiction?

Mr. BEASLEY. Yes, sir; our offices do. The sheriff came over and congratulated me about a week after I was appointed chief of police. That is the only time that I have been with him alone at any time. I was at a tarpon fishing tournament dinner, a fish dinner, and he was out there. I wasn't alone. I talked to him a little out there in the presence of other people. I saw him on the street, I believe, yesterday morning, and he said, "Hello, Chief," and I said, "Hello Sheriff," and passed the time of day, and that was all.

Senator HUNT. That is all, if you will hold yourself available.

Mr. BEASLEY. At my office, sir?

Mr. RICE. Yes.

Senator HUNT. Yes, sir.

(Witness excused.)

Senator HUNT. Oswald C. Tracey. Mr. Oswald C. Tracey, please come to the witness stand. Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TRACEY. I do.

TESTIMONY OF OSWALD C. TRACEY, ST. PETERSBURG, FLA.

Mr. RICE. Will you state your name, address and occupation?

Mr. TRACEY. Oswald C. Tracey, St. Petersburg, Fla., real estate broker.

Mr. RICE. Licensed real estate broker?

Mr. TRACEY. Licensed real estate broker.

Mr. RICE. Now, you are appearing here, Mr. Tracey, in response to a subpoena duces tecum to bring certain records?

Mr. TRACEY. Yes, right here.

Mr. RICE. Do you have those with you?

Mr. TRACEY. What few records I have left, I have them with me here.

Mr. RICE. Yes. Well, we will go into them at the proper time.

You are familiar with an individual named John Torrio?

Mr. TRACEY. I am.

Mr. RICE. Will you tell the committee what your dealings with John Torrio have been, starting with the beginning.

Mr. TRACEY. I met Mr. Torrio through some real estate people who are also licensed. He came into the office inquiring about a certain Lido Beach. Mrs. Tracey at that time did not know who he was and did not learn of his identity probably for several weeks afterward. He questioned her about the operation of property, surrounding properties, values and so on. It seems that Mr. Torrio owned a mortgage on this Lido Beach and he was getting ready to foreclose and later, I believe, Mrs. Tracey was subpoenaed and testified as to value of surrounding property and the management possibly.

Mr. RICE. When was that, Mr. Tracey, what year?

Mr. TRACEY. It could have been in—the latter part of '43 or the early part of '44, or it could have been the late part of '44.

Mr. RICE. 1943 or 1944?

Mr. TRACEY. That's right.

Mr. RICE. In connection with that mortgage, was the mortgage foreclosed? Was that property sold through your office?

Mr. TRACEY. No, sir. We had nothing to do with the foreclosure. Mrs. Tracey was subpoenaed to testify in the foreclosure.

Mr. RICE. Who was the individual involved with Torrio?

Mr. TRACEY. Patsy Sergi, I don't know what his given name is. I am under the impression it is Pasquale.

Mr. RICE. When did you come to know the real identity of Torrio?

Mr. TRACEY. Well, I think Mrs. Tracey came home giggling one night and said she had Mr. Torrio in the office, and I don't remember when I first knew about it. She later told me that he was interested in buying some property and of course I contacted him.

Mr. RICE. Who did she say he was?

Mr. TRACEY. She told me at that time that he was John Torrio.

Mr. RICE. Who is John Torrio?

Mr. TRACEY. Well, at that time it didn't mean too much to me but since it has. I wouldn't recognize the name she told me. Someone recognized Mr. Torrio and told Mrs. Tracey who he was.

Mr. RICE. Who did they say he was?

Mr. TRACEY. Well, John Torrio, that's all, just John Torrio. They intimated that he had been a gangster, something of that kind, but I wouldn't know.

Mr. RICE. Well, where did they say he was a gangster?

Mr. TRACEY. Well, I am just testifying to hearsay here and calling on my memory for 7 years back, and I wouldn't particularly be able to go back.

Mr. RICE. How long have you been around this area, Mr. Tracey?

Mr. TRACEY. Since 1937.

Mr. RICE. Wasn't there some publicity around that time about Torrio's real estate deal?

Mr. TRACEY. Not that I recall in '37. The only thing that I recall of Mr. Torrio or ever knowing about Mr. Torrio was the fact that he owned the mortgage on Lido Beach. I presume that I have known that for a period of 15 years.

Mr. RICE. Reading from a clipping in one of the St. Petersburg papers about revelations on Torrio's real estate deals it says of Torrio, "He was said to be the man behind Mano, Inc., of White Plains." Other county records show Torrio was involved in many real estate transactions. One deal involved property situated on the north side of Eleventh Street and Central Avenue. The names of Julius Marez and Belle Marez appeared in some of the transactions, as did the name of John Patton. Most of the deals listed were in 1925 and '26. Do you know who John Patton is? Have you ever met him?

Mr. TRACEY. I do not.

Mr. RICE. New Jersey and New York City detectives want to interrogate Torrio about the Dutch Schultz claim, and the fatal wounding of three of the latter's aides in Newark last week. Torrio was also connected with Guzik and Al Capone on the tax records here. Did that information come to your attention?

Mr. TRACEY. Just from hearsay, that Al Capone owned property at one time on St. Petersburg beach.

Mr. RICE. Now, I show you two clippings, from papers which are dated December 14, '43, and June '43. These refer to the case about which you have spoken.

Mr. TRACEY. That one certainly is.

Mr. RICE. This is the case where you previously testified. Read the first paragraph of that. Read it out loud.

Mr. TRACEY. I imagine this is the one she testified in. That's the only one I know of that Mr. Torrio filed against Patsy Surgi.

Mr. RICE. Well, read the first paragraph of that.

Mr. TRACEY (reading):

Beach mortgage aired again. Johnny Torrio, frequently referred to as the brains of the former Al Capone gang, yesterday sat through another all-day session of circuit court.

Mr. RICE. That was the same session?

Mr. TRACEY. That was the same mortgage.

Mr. RICE. Now, there came a time when you sold a piece of property for Torrio, tell us about that.

Mr. TRACEY. Well, I bought that piece of property for Mr. Torrio.

Mr. RICE. You bought it for him originally?

Mr. TRACEY. I bought it for him originally. That was dated December 21, 1944. It was water lot opposite park D, left north gate 6 feet, of Phillips Subdivision, Pass-A-Grille, Fla., with all riparian rights thereto, incident and appertaining to said lot D, being otherwise described as Washington Park.

Mr. RICE (interrupting). Well, we are not interested in that legal description. That was a piece of property opposite Washington Park in Pass-A-Grille?

Mr. TRACEY. Yes, sir.

Mr. RICE. What did Torrio tell you when he bought that property? What did he want it for?

Mr. TRACEY. Speculation.

Mr. RICE. For speculation?

Mr. TRACEY. That's right.

Mr. RICE. All right. What did he pay for that property?

Mr. TRACEY. \$10,000.

Mr. RICE. \$10,000?

Mr. TRACEY. Yes, sir.

Mr. RICE. Now, did he pay you a commission or did the seller pay you a commission?

Mr. TRACEY. The seller paid me a commission of \$500.

Mr. RICE. The property was taken in whose name?

Mr. TRACEY. I haven't the deed to that—

Mr. RICE. The purchase contract shows it, wouldn't it?

Mr. TRACEY. The contract, of course, usually starts with it—John and Anna Torrio.

Mr. RICE. What address was given for Torrio there?

Mr. TRACEY. I haven't it on this contract here. At that time he was living in Pass-A-Grille.

Mr. RICE. Did you have any out-of-State address for Torrio?

Mr. TRACEY. Yes; I did have one—8801 Shore Road, that was probably Brooklyn.

Mr. RICE. Brooklyn, N. Y.?

Mr. TRACEY. Brooklyn, N. Y.

Mr. RICE. Now, this was what date in 1944, approximately?

Mr. TRACEY. The contract is definitely dated December 21, 1944.

Mr. RICE. I see. All right; now, what happened next with respect to that property?

Mr. TRACEY. The deal was closed and in the course of events—I don't recall where it was closed—it could have been at the west coast title or it could have been at one of the attorney's offices. I didn't handle the closing.

Mr. RICE. Torrio held that property for a time. Did he dispose of it?

Mr. TRACEY. Yes.

Mr. RICE. Did you handle the negotiation for him?

Mr. TRACEY. I handled the negotiation as far as the closing is concerned.

Mr. RICE. Tell us about how you sold the property.

Mr. TRACEY. Well, when John left here he said, "Well, if I can get five thousand or six thousand dollars profit out of it, I will take it in the course of events," and of course—

Mr. RICE. You admit that it was you?

Mr. TRACEY. Oh, yes, that was a definite listing. I mean nothing is binding but still it is a definite listing. In the course of events I sold that property to Hugh Culbreath and his wife, Diane, I believe.

Mr. RICE. How was the prospect—how did it activate, did Culbreath come in or did you seek him out?

Mr. TRACEY. It could have been either way.

Mr. RICE. We are not interested in what it could have been. We are interested in what happened.

Mr. TRACEY. I can't tell you that. I made four or five trips over to Mr. Culbreath's office, I was seeking to sell the other property on the beach, and this piece, and of course, I was successful in selling it, and that is the only piece of property that he has bought from me.

Mr. RICE. What did he say about the reason for wanting that piece of property?

Mr. TRACEY. I don't know as I questioned him, I was out to make a commission.

Mr. RICE. Well, as a real-estate man you certainly—

Mr. TRACEY. I am calling on my memory for 5 years, Mr. Rice, and I would like to help you as much as I can.

Mr. RICE. How much commission did you make?

Mr. TRACEY. I made a thousand dollars and I should have made a normal commission of \$1,600 on that deal.

Mr. RICE. Well, certainly a thousand-dollar deal, you are going to remember something about it.

Mr. TRACEY. Well, it was probably over a period of—

Well, it was probably over a period of a month that I was negotiating with him. I know that I finally got a check and a firm offer from Mr. Culbreath for \$16,000 for that property. Torrio wanted \$18,000.

Mr. RICE. You got a check from Culbreath in connection with the offer?

Mr. TRACEY. I can't swear that I got a check from Culbreath. I got \$1,600 because I held \$1,600 earnest money that I put in a wire. I know I would not have said that unless I got it. Whether that was cash or check I don't know. I presume it was a check.

Mr. RICE. What does the wire say?

Mr. TRACEY. It was dated September 20, 1945, addressed to John Torrio, 8801 Shore Road:

Please wire acceptance of \$16,000 cash offer for Pass-A-Grille. I hold \$1,600 earnest money, deposit. My commission 10 percent, about which information can be obtained.

That was signed by my wife, Mary Tracey.

Mr. RICE. What happened as the result of that?

Mr. TRACEY. I got an acknowledgment through the attorney that he was going to accept that providing I would take \$1,000 commission.

Mr. RICE. And what attorney was that?

Mr. TRACEY. It was U. S. Barritt, and quite a long firm name, I don't recall what all the firm name is.

Mr. RICE. Where is Barritt located?

Mr. TRACEY. In St. Petersburg.

Mr. RICE. And he represented Torrio?

Mr. TRACEY. He represented Torrio; that is right.

Mr. RICE. All right, what did you do to close the deal?

Mr. TRACEY. There is a record of the closing or sale of the Pass-A-Grille property by John Torrio and wife to Hugh L. Culbreath and wife, showing the purchase-price credit and deposit paid, which was \$1,600, and received from the purchaser so much money and marked "collected \$1,600" by Tracey.

Mr. RICE. Before that you had obtained a firm purchase offer. Was that written?

Mr. TRACEY. Mr. Rice, I couldn't tell you. It doesn't sound like me to deal without a written offer and it may be that Mr. Culbreath gave me a check and I am sure it was a check or I would have remembered cash, for \$1,600. I would not have confessed it in this telegram to Torrio, if I had not.

Mr. RICE. Did you order the title searched?

Mr. TRACEY. No; immediately upon acceptance of the deal it was taken out of my hands by the attorney.

Mr. RICE. Who was the other attorney representing Culbreath?

Mr. TRACEY. I would not know. I was not at the closing.

Mr. RICE. Who took it out of your hands?

Mr. TRACEY. Well, I simply gave the attorney for Mr. Torrio, \$600 of the \$1,600 deposit, and that washed me out as far as I was concerned. I had my commission.

Mr. RICE. You held the commission?

Mr. TRACEY. I held my commission back. That is right. That was the usual procedure in a real-estate transaction.

Mr. RICE. What was the selling price finally agreed upon?

Mr. TRACEY. \$16,000.

Mr. RICE. That is \$6,000 more than Torrio had paid for the property?

Mr. TRACEY. That is right. Of course, Torrio paid me a commission.

Mr. RICE. I show you a photostatic copy of deed and ask you if you recognize it.

Mr. TRACEY. I would not recognize the deed other than——

Mr. RICE. Is that the property in question?

Mr. TRACEY. I would not describe it this way. However, I think that it might be the same property, because it is less the north 66 feet of Phillips subdivision of Pass-A-Grille.

Mr. RICE. Is the date all right?

Mr. TRACEY. October 8. There is no closing date on this, but that should be about the date.

Mr. RICE. This deed runs between John Torrio and wife, to Hugh Culbreath and wife?

Mr. TRACEY. Yes.

Mr. RICE. And his address as 5015 West Shore Drive. Is that Culbreath's address?

Mr. TRACEY. I don't know.

Mr. RICE. You stated that you had been there several times?

Mr. TRACEY. To his office; never to his home.

Mr. RICE. From the stamps affixed can you tell the consideration?

Mr. TRACEY. \$16,000, apparently.

Mr. RICE. We will offer the deed.

Senator HUNT. It will be received as exhibit 7. And at this time we will take to the records of the hearing the exhibits by the chief of police which shall be noted as exhibit No. 7. This shall be 8 and the exhibits by the chief of police shall be No. 7.

(Thereupon, the instrument presented by Mr. Rice was received in evidence as exhibit No. 8, and appears in the appendix on p. 486. Also, the exhibits identified by Mr. Beasley, the chief of police, were received in evidence, as exhibit No. 7, and were later returned after analysis by the committee.)

Mr. RICE. In connection with the transaction were there any other individuals involved? Was Red Italiano involved?

Mr. TRACEY. No, sir.

Mr. RICE. Did he appear with Culbreath any time?

Mr. TRACEY. I do not know. I would not know him if I saw him.

Mr. RICE. Have you ever had any transactions with Red Italiano?

Mr. TRACEY. No, sir; I have never had any.

Mr. RICE. Do you know him?

Mr. TRACEY. I would not know him if I saw him; no, sir.

Mr. RICE. Have you had any other transactions with Hugh Culbreath?

Mr. TRACEY. No, sir; I tried to sell him various pieces of property, but I have never been successful since this deal here.

Mr. RICE. In connection with those attempts to sell, did you, from time to time, drive around Pass-A-Grille with him?

Mr. TRACEY. Yes; on occasions, and, of course, it was not only Pass-A-Grille. I tried to sell him property on St. Petersburg Beach and various beaches, a distance of around 3 or 4 miles up and down the beach.

Mr. RICE. Why did you consider him a good prospect?

Mr. TRACEY. Because he bought one piece of property from me.

Mr. RICE. Did he pay cash for that property?

Mr. TRACEY. He paid cash for that property, I believe.

Mr. RICE. No mortgage arrangements, whatsoever?

Mr. TRACEY. No, sir.

Mr. RICE. In traveling around with him from time to time, did he point out other parcels of holdings that he had?

Mr. TRACEY. No, sir; never.

Mr. RICE. He never showed you any other tracts?

Mr. TRACEY. He never showed me anything he owned. That is right.

Mr. RICE. How many times would you say you talked with Culbreath in connection with the sales from Torrio?

Mr. TRACEY. Still calling on memory; it runs in my mind that I was over here three or four times and it runs in my mind that I called on him once in the office over here and once in the county jail. I would not know one from the other. I mean he has two offices.

Mr. RICE. And all of this time you knew who Torrio was, that he was, at least, said to be an Al Capone hoodlum?

Mr. TRACEY. Oh; that is right.

Mr. RICE. I think that is all. Thank you.

(Witness excused).

Senator HUNT. Will Mr. Vincent Spoto please come forward? You are Mr. Vincent Spoto?

Mr. SPOTO. Yes.

Senator HUNT. Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SPOTO. I do.

**TESTIMONY OF VINCENT SPOTO, TAMPA, FLA., ACCOMPANIED BY
JOHN A. CELAYA, BOOKKEEPER, ANTHONY DISTRIBUTORS**

Mr. RICE. What is your name and address, Mr. Spoto?

Mr. SPOTO. Vincent Spoto, 2708 Royal Court.

Mr. RICE. Mr. Spoto, what do you do?

Mr. SPOTO. I am president of Anthony Distributors.

Mr. RICE. And what is the Anthony Distributors.

Mr. SPOTO. The distributors of beer and wine.

Mr. RICE. Distributors of beer and wine on a wholesale basis?

Mr. SPOTO. Wholesale basis.

Mr. RICE. Is it a corporation?

Mr. SPOTO. Yes, sir.

Mr. RICE. Do you hold an office in the corporation?

Mr. SPOTO. I am president of the corporation.

Mr. RICE. You are president?

Mr. SPOTO. Yes.

Mr. RICE. Are you appearing here in response to a subpoena to bring with you certain records?

Mr. SPOTO. Yes, sir.

Mr. RICE. Do you have those with you?

Mr. SPOTO. Yes, I have them right here.

Mr. RICE. Before we go into those I would like to talk about a transaction testified to here this morning by Noah Caton, whereby Anthony Distributors took title to a piece of property known as the Fish property over in Pass-A-Grille? Tell us about that.

Mr. SPOTO. We bought that. We were figuring on putting a warehouse in Pinellas County and we bought that and we decided that it was not the proper place for it, you know. We were going to put something on that side, see?

Mr. RICE. Yes, for a liquor warehouse?

Mr. SPOTO. Yes.

Mr. RICE. In Pass-A-Grille?

Mr. SPOTO. Yes.

Mr. RICE. From whom was it bought?

Mr. SPOTO. I don't remember—bought from whom, to tell you the truth.

Mr. RICE. You don't know from whom it was bought?

Mr. SPOTO. I don't remember, no.

Mr. RICE. Who would know that?

Mr. SPOTO. I have got the books here to show.

Mr. RICE. Look at the books and tell us.

Mr. SPOTO. Is it all right if I show you the books?

Mr. RICE. Sure.

Mr. SPOTO. Shall I call the accountant?

Mr. RICE. Yes. Who does the buying and selling of the property for the corporation?

Mr. SPOTO. Salvatore Italiano is the general manager.

Mr. RICE. Is he the same as "Red" Italiano?

Mr. SPOTO. Yes, sir.

Mr. RICE. What office does he hold in the corporation?

Mr. SPOTO. He is general manager, you know. He is not a director.

Mr. RICE. He is not a director or officer, but general manager?

Mr. SPOTO. Yes.

Mr. RICE. Does he receive a salary?

Mr. SPOTO. Yes.

Mr. RICE. How much?

Mr. SPOTO. \$300 a week.

Mr. RICE. How long has he been connected with the Anthony Distributors?

Mr. SPOTO. Since 1940, I think.

Mr. RICE. Since 1940?

Mr. SPOTO. Yes.

Mr. RICE. How long have you been connected with the Anthony Distributors?

Mr. SPOTO. Since 1941.

Mr. RICE. Where is Salvatore Italiano now?

Mr. SPOTO. I don't know where he is at. He came from Italy and he has been in New Orleans. He was in a clinic there and we tried to get hold of the clinic and he wasn't at the clinic, but he was going to report back.

Mr. RICE. You mean to say, as president of the corporation, you do not know where your general manager is?

Mr. SPOTO. Well, he is not with us any more.

Mr. RICE. Tell us about that a little bit.

Mr. SPOTO. Since December 1 he wrote us a letter that he was resigning from the corporation.

Mr. RICE. Since when?

Mr. SPOTO. December 1.

Mr. RICE. Of what year?

Mr. SPOTO. This year.

Mr. RICE. Do you have that letter?

Mr. SPOTO. Yes.

Mr. RICE. I would like to see that.

Would you read this letter, Mr. Spoto? [Handing a document to the witness, who thereupon read from same, in a tone inaudible to the reporter.]

Now, when was the last time you heard from Red Italiano?

Mr. SPOTO. Well, sometime in November.

Mr. RICE. Sometime in November?

Mr. SPOTO. Yes.

Mr. RICE. Where was he then?

Mr. SPOTO. New Orleans.

Mr. RICE. Where was he?

Mr. SPOTO. At the Oeschner Clinic.

Mr. RICE. I didn't get that.

Mr. SPOTO. The Oeschner Clinic.

Mr. RICE. What was he doing there?

Mr. SPOTO. Well, he was sick. He said he had been sick, see. He had been sick for quite a while.

Mr. RICE. Did you see him?

Mr. SPOTO. No.

Mr. RICE. Did you talk to him over the telephone?

Mr. SPOTO. I talked to him on the telephone.

Mr. RICE. Who is your general manager now?

Mr. SPOTO. Anthony Italiano. Anthony S. Italiano.

Mr. RICE. What relation is he to Salvatore "Red" Italiano?

Mr. SPOTO. His son.

Mr. RICE. His son?

Mr. SPOTO. Yes.

Mr. RICE. Do you have any action of your board of directors indicating the appointment of Anthony S. Italiano?

Mr. SPOTO. Yes.

Mr. RICE. Where is that?

Mr. SPOTO. It's in this book.

Mr. RICE. It is in this book?

Mr. SPOTO. Yes.

Mr. RICE. The minutes of the meetings of the board?

Mr. SPOTO. Yes.

Mr. RICE. Is Salvatore Italiano, about whom we are talking, a criminal?

Mr. SPOTO. Not that I know of.

Mr. RICE. Not that you know of?

Mr. SPOTO. In other words, not that I know of, I am telling you.

Mr. RICE. And you mean to tell me that you have never heard that Italiano had been in the Atlanta Penitentiary?

Mr. SPOTO. Oh, he was; yes, sir.

Mr. RICE. He was in Atlanta?

Mr. SPOTO. Yes, sir.

Mr. RICE. I wonder if he is the same man who has that record there. (Exhibiting a document to the witness.)

Mr. SPOTO. Yes.

Mr. RICE. When did you find out about that criminal record?

Mr. SPOTO. What?

Mr. RICE. When did you find out about that criminal record that he had which reflects that in 1930 he was committed to the penitentiary in Atlanta Ga.—

Mr. SPOTO. Yes.

Mr. RICE. For conspiracy to violate the National Prohibition Act, and was given a year and a day, and that in 1933 he was convicted of a charge of perjury and sentenced to 2 years—

Mr. SPOTO. Yes.

Mr. RICE. And in 1933 he was again convicted for vagrancy and sentenced to 60 days; that he was fined in Tampa, Fla., for violation of the National Prohibition Act? When did you find out about that?

Mr. SPOTO. What do you mean? What do you mean, did I find out about it? At the time, I guess.

Mr. RICE. At the time?

Mr. SPOTO. Yes.

Mr. RICE. In 1930?

Mr. SPOTO. Yes.

Mr. RICE. You have been around since then?

Mr. SPOTO. Yes.

Mr. RICE. So you would know of those crimes?

Mr. SPOTO. No, you asked me if he was a criminal and I said I don't think he was a criminal, but, in other words, you didn't ask me about a criminal record.

Mr. RICE. Don't you think a man who has been in the penitentiary is a criminal?

Mr. SPOTO. Well, if you say so, if you say so.

Mr. RICE. What are the State beverage laws with respect to the participation by criminals in a liquor distributorship?

Mr. SPOTO. Well, I don't know, to tell you the truth. In other words, I believe, you know, I don't know if they can get any license or what.

Mr. RICE. You don't think they can get a license, do you?

Mr. SPOTO. I don't know. I don't really know.

Mr. RICE. How does it happen, then, that Italiano, being a criminal, can be general manager of a licensee? How do you account for that?

Mr. SPOTO. Well, I don't know about that. In other words, in order to get a distributorship you have to have an official permit. I guess it was investigated.

Mr. RICE. So you don't understand how that happened?

Mr. SPOTO. No.

Mr. RICE. Neither do we. Now, then, when did Italiano go to Italy?

Mr. SPOTO. Sometime in May.

Mr. RICE. Of what year?

Mr. SPOTO. Of last year—I mean this year, you know.

Mr. RICE. Of 1950?

Mr. SPOTO. Yes; 1950; yes.

Mr. RICE. Do you have any recollection when the Committee to Investigate Organized Crime in Interstate Commerce was formed?

Mr. SPOTO. No.

Mr. RICE. Well, I tell you that was May 1950.

Mr. SPOTO. Yes.

Mr. RICE. Have you seen him at all since he went to Italy?

Mr. SPOTO. No.

Mr. RICE. Did he take an automobile with him?

Mr. SPOTO. Yes.

Mr. RICE. What was it?

Mr. SPOTO. A Cadillac.

Mr. RICE. Did he bring it back with him?

Mr. SPOTO. No; not that I know.

Mr. RICE. Who paid for the automobile?

Mr. SPOTO. He paid.

Mr. RICE. He paid for it?

Mr. SPOTO. Yes.

Mr. RICE. Didn't Anthony Distributors pay for it?

Mr. SPOTO. Not that I know of.

Mr. RICE. Is there anything in your records which will throw any light on that?

Mr. JOHN A. CELAYA. The corporation didn't pay for it.

Mr. RICE. The corporation did not pay?

Mr. CELAYA. No.

Mr. RICE. What was the reason for his taking that Cadillac to Italy?

Mr. SPOTO. I don't know. That's his business. I don't know.

Mr. RICE. He didn't bring it back?

Mr. SPOTO. What?

Mr. RICE. He did not bring it back?

Mr. SPOTO. I don't know.

Mr. RICE. You know he didn't, don't you?

Mr. SPOTO. What?

Mr. RICE. You know he didn't bring it back?

Mr. SPOTO. I don't know if he brought it back or not.

Mr. RICE. Hadn't you heard that it was delivered to Charles "Lucky" Luciano?

Mr. SPOTO. Not that I know of. I don't know anything about it.

Mr. RICE. Are you sure about that?

Mr. SPOTO. Sure, I'm sure. I'm positive.

Mr. RICE. Now then, upon his return from Italy—when was that?

Mr. SPOTO. Pardon?

Mr. RICE. What was he doing in Italy? Was he there on business for Anthony Distributors?

Mr. SPOTO. In Italy?

Mr. RICE. Yes?

Mr. SPOTO. Not that I know of. He was sick, see, and he was, you know—he went over there.

Mr. RICE. He went there for his health?

Mr. SPOTO. Yes.

Mr. RICE. Now then, was he drawing a salary during that time?

Mr. SPOTO. Yes.

Mr. RICE. And how was that being paid to him?

Mr. CELAYA. It was credited to his account.

Mr. RICE. To his bank account?

Mr. CELAYA. Drawing account.

Mr. RICE. Has he called upon that drawing account? Has he withdrawn his funds from the account?

Mr. CELAYA. That's right.

Mr. RICE. I wonder if we might have this witness identified. Will you stand up, sir?

Senator HUNT. Would you give your name?

Mr. CELAYA. John A. Celaya.

Senator HUNT. Do you solemnly swear the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CELAYA. I do.

Mr. RICE. What was that name?

Mr. CELAYA. Celaya, John A., C-e-l-a-y-a.

Mr. RICE. You are the accountant with the—

Mr. CELAYA. Bookkeeper.

Mr. RICE. Are you an officer of the corporation?

Mr. CELAYA. No, sir; I am not.

Mr. RICE. You are a full-time employee, on the books?

Mr. CELAYA. That's right.

Mr. RICE. Now then, when these funds were credited to his drawing account, explain how that transaction takes place?

Mr. CELAYA. Well, I pay a lot of things and charge it against his account; for instance, his taxes on his home and other real estate that he owns, and I credit his salary against that account to offset the drawings.

Mr. RICE. And you pay taxes on his home?

Mr. CELAYA. That's right.

Mr. RICE. What does that have to do with Anthony Distributors, Mr. Spoto? What do payments of taxes on the home of Italiano have to do with the business?

Mr. SPOTO. The company don't pay it.

Mr. RICE. What?

Mr. SPOTO. The company don't pay it.

Mr. RICE. What did you say?

Mr. CELAYA. It is charged against his personal account, then his salary is credited against that account, see, and he draws from it.

Mr. RICE. Then you act as his personal accountant as well as for the company?

Mr. CELAYA. Well, you might say that, what little time it takes.

Mr. RICE. What has become of the accumulation of salary that was credited to Italiano during the time he was in Italy?

Mr. CELAYA. There was not only an accumulation of credits; there was an accumulation of debits.

Mr. RICE. Why?

Mr. CELAYA. He owes us money, because I paid some insurance of his and—

Mr. RICE. So he is in the red so far as Anthony Distributors is concerned?

Mr. CELAYA. That is right.

Mr. RICE. What are you going to do to collect that money that Italiano owes?

Mr. SPOTO. I am going to try to do that.

Mr. RICE. How are you going to try to do that?

Mr. SPOTO. What?

Mr. RICE. How are you going to try to do it?

Mr. SPOTO. I am going to try to get it from his son, or somebody.

Mr. RICE. From his son?

Mr. SPOTO. From his family.

Mr. RICE. What entries do you have on Italiano's account? May I see his ledger account?

Mr. CELAYA. Yes, sir.

Mr. RICE. While we are looking that up, Mr. Spoto, who are the other officers of Anthony Distributors?

Mr. SPOTO. Anthony S. Italiano is vice president and general manager, and Elinor Italiano is treasurer.

Mr. RICE. Who is she?

Mr. SPOTO. She is a daughter to Salvatore Italiano.

Mr. RICE. She is Salvatore (Red) Italiano's daughter?

Mr. SPOTO. Yes.

Mr. RICE. Who are the directors of the corporation?

Mr. SPOTO. I am.

Mr. RICE. Mr. Spoto.

Mr. SPOTO. Mr. Spoto, and Anthony S. Italiano and Elinor Italiano.

Mr. RICE. Do you have a list of stockholders of—

Mr. SPOTO. Yes, sir.

Mr. CELAYA. The stockholders are the three directors and Mrs. Marie Italiano.

Mr. RICE. Does anyone other than the persons mentioned have any interest, directly or indirectly, in Anthony Distributors? Do you know about that?

Mr. SPOTO. No, not that I know of.

Mr. RICE. How many employees do you have there?

Mr. SPOTO. Let me see.

Mr. RICE. Well, approximately?

Mr. SPOTO. Six, seven, nine and three is twelve and three is fifteen and five is twenty, and three, four—around twenty-six or twenty-seven, something like that.

Mr. CELAYA. Twenty-nine.

Mr. RICE. Do you have a profit and loss statement for 1949 or any more recent date than that?

Mr. CELAYA. Yes, sir, 1949.

Mr. RICE. You have one for 1949?

Mr. CELAYA. Yes, sir.

Mr. RICE. When Mr. Italiano was in Italy, was he transacting any business? Was he buying wine or anything for the company?

Mr. SPOTO. No. If he could find, you know, the right wine—

Mr. RICE. I beg pardon?

Mr. SPOTO. If he could find—in other words, you know, in other words, we can't import, see.

Mr. RICE. You cannot import?

Mr. SPOTO. I don't think so. I think you have to have a bonded warehouse, or something.

Mr. RICE. So any stories or rumors to the effect that Italiano was in Italy on company business would be wrong—he was not there on company business, was he?

Mr. SPOTO. Well, no; not that I know of. You know, there was rumors in the paper that he was on company business there.

Mr. RICE. And you never told anyone that he was there on company business?

Mr. SPOTO. No.

Mr. RICE. You are sure of that?

Mr. SPOTO. Positive.

Mr. RICE. Now, we want to know about the purchase of this property, Eisler Fish Co. Tell us about that, how it was negotiated?

Mr. SPOTO. We were figuring on putting in a warehouse.

Mr. RICE. When you say "we," who is "we"?

Mr. SPOTO. The company. We realized it wasn't a proper place over there, and we thought that we would sell it.

Mr. RICE. How did you get it first? Who did you buy it from? How much did you pay for it? Who did you negotiate with?

Mr. SPOTO. Well, what do you mean now?

Mr. RICE. How did you learn of the property and who did you negotiate with? Who did you buy it from?

Mr. SPOTO. I didn't handle it. Mr. Italiano was general manager.

Mr. RICE. Mr. Italiano handled it?

Mr. SPOTO. He bought the property.

Mr. RICE. He was strictly responsible to you as president?

Mr. SPOTO. Yes.

Mr. RICE. Did he consult with you?

Mr. SPOTO. Well, we paid, if I remember right, I think it was \$19,000.

Mr. RICE. Italiano was negotiating with whom?

Mr. SPOTO. What do you mean? The real estate man?

Mr. RICE. The real estate man.

Mr. SPOTO. Yes.

Mr. RICE. Who was the real estate man?

Mr. SPOTO. I don't remember.

Mr. RICE. We had some testimony this morning that there was a man named Caton who was to buy it from Mr. Zekosky, and that there was no real estate people involved. How do you account for that?

Mr. SPOTO. I wouldn't know.

Mr. RICE. You can do better than that. You are president of the company, and buying a \$19,000 piece of property.

Mr. SPOTO. Yes.

Mr. RICE. You don't deal with thin air.

Mr. SPOTO. I didn't deal with anybody, you understand. I am president of the company, but we bought the property, and I was willing to buy the property. It doesn't mean I have to go and see everybody. I didn't make the transaction.

Mr. RICE. It was all handled by Italiano?

Mr. SPOTO. Yes.

Mr. RICE. And the company paid for it?

Mr. SPOTO. Yes, sir.

Mr. RICE. Can you explain how it happened that after a purchase contract was drawn between Caton and Zekosky at the closing of the sale, the deed was made to Anthony Distributors?

Mr. SPOTO. Sure.

Mr. RICE. How did it happen?

Mr. SPOTO. Because we paid for it.

Mr. RICE. How did you get into the middle of the Caton-Zekosky deal?

Mr. SPOTO. I don't remember.

Mr. RICE. You don't know how that happened, do you?

Mr. SPOTO. No.

Mr. RICE. Did Sheriff Culbreath have anything to do with it?

Mr. SPOTO. No, sir.

Mr. RICE. He was not in the picture at all?

Mr. SPOTO. No, sir.

Mr. RICE. You are sure of that?

Mr. SPOTO. Positive.

Mr. RICE. None of his money was involved?

Mr. SPOTO. No.

Mr. RICE. None of his instructions?

Mr. SPOTO. No.

Mr. RICE. Do you know him?

Mr. SPOTO. I know him if I see him.

Mr. RICE. You know him if you see him?

Mr. SPOTO. Yes.

Mr. RICE. You know him to talk to, too, don't you?

Mr. SPOTO. No. I never talked to him.

Mr. RICE. Never had any conversation with him?

Mr. SPOTO. No; as far as talking to him, I never had any conversation.

Mr. RICE. Remember, you are under oath now.

Mr. SPOTO. Yes, sir.

Mr. RICE. You never had any conversation at all?

Mr. SPOTO. That's what I'm telling you right now.

Mr. RICE. Now, in any event, Anthony Distributors bought this property. And what did it consist of? What was it? Did you inspect it?

Mr. SPOTO. It was a fish house, and we were figuring on tearing it down and building a warehouse.

Mr. RICE. Then what happened?

Mr. SPOTO. We felt it wasn't a proper place, you know. It wasn't a proper place over there for the warehouse. It was out of the way.

Mr. RICE. The place didn't change any from the time you first looked at it, did it?

Mr. SPOTO. We took it over and thought that it was a good buy, but it wasn't a proper place.

Mr. RICE. So that at the time it was a good place and later on, it was not a good place?

Mr. SPOTO. Yes; a lot of times you change your mind.

Mr. RICE. There seems to be a lot of changes here this afternoon.

Mr. SPOTO. Sure.

Mr. RICE. Now, how long did Anthony Distributors hold onto that property?

Mr. SPOTO. Just the matter of a month, I think.

Mr. RICE. A month or two?

Mr. SPOTO. A month or two or three.

Mr. RICE. Who was in charge of it?

Mr. SPOTO. Anthony Distributors.

Mr. RICE. Who was the man who was actually on the premises with business going on there? Who was handling it?

Mr. SPOTO. I don't remember.

Mr. RICE. You mean now that you are president of the company, holding a \$19,000 piece of property with a business going on, and you don't know who is running it?

Mr. SPOTO. I don't remember.

Mr. RICE. Could it have been a man named Caton?

Mr. SPOTO. I don't know.

Mr. RICE. You don't know Caton?

Mr. SPOTO. No, sir.

Mr. RICE. You don't remember him?

Mr. SPOTO. No.

Mr. RICE. Never talked with him?

Mr. SPOTO. Never talked with him.

Mr. RICE. What became of the property?

Mr. SPOTO. We sold it.

Mr. RICE. To whom?

Mr. SPOTO. To a fellow by the name of Mr. Wescott.

Mr. RICE. Who is he?

Mr. SPOTO. He was working for some packing company that I know of.

Mr. RICE. How were you selling it?

Mr. SPOTO. Mr. Italiano made the transaction.

Mr. RICE. Were any real estate people involved?

Mr. SPOTO. No, sir; not that I know of.

Mr. RICE. What did Red Italiano say about the reason Mr. Wescott wanted it? How did he find him? How did he know he wanted it?

Mr. SPOTO. I don't know. I didn't ask him. We wanted to get rid of it and I didn't ask him.

Mr. RICE. You just wanted to get rid of the whole thing?

Mr. SPOTO. Yes.

Mr. RICE. But it ended up the property of a man named Wescott. How did it happen that the tax bills after that show up in the name of Culbreath?

Mr. SPOTO. I don't know about that.

Mr. RICE. You don't know that, either. What is your salary, Mr. Spoto?

Mr. SPOTO. A hundred a week.

Mr. RICE. \$100 a week. Do you have any other compensation from the company besides that?

Mr. SPOTO. No, sir.

Mr. RICE. Do you draw any dividends?

Mr. SPOTO. No, sir. Not yet.

Mr. RICE. Do you hold any stock?

Mr. SPOTO. Yes.

Mr. RICE. So your entire compensation is \$100?

Mr. SPOTO. Yes, sir.

Mr. RICE. Tell me, Mr. Spoto, do you have a list of other properties, holdings of Anthony Distributors?

Mr. SPOTO. Yes, sir.

Mr. RICE. Can you produce that?

Mr. SPOTO. Yes.

Mr. RICE. In general, list those for me, will you?

Mr. CELAYA. Those are two lots on Platt and Rome, business property.

Mr. RICE. Unimproved?

Mr. CELAYA. Unimproved.

Mr. RICE. Approximately, what is the value of those? It's carried on the books as something, as an asset, a capital asset?

Mr. CELAYA. I don't know but I think they were worth around \$10,000.

Mr. RICE. Yes.

Mr. CELAYA. That is real estate. That is the warehouse and it's got an upstairs that we rent and a side office that we rent.

Mr. RICE. What value did you carry on that?

Mr. CELAYA. \$49,000.

Mr. RICE. Is that subject to any mortgage?

Mr. CELAYA. Subject to mortgage; yes.

Mr. RICE. In what amount?

Mr. CELAYA. There is a balance of around \$11,000.

Mr. RICE. Any others?

Mr. CELAYA. There is the Clearwater property.

Mr. RICE. What is the Clearwater property?

Mr. CELAYA. That is some lots we bought over there on Cleveland Street as an investment and built a building on it and the Oldsmobile Motor Co. rents it for \$250 a month, with a 5-year lease. We have a mortgage on that with the First Federal Savings and Loan Association for \$15,000.

Mr. RICE. That is investment property?

Mr. SPOTO. That's right.

Mr. RICE. Mr. Spoto, why do you have investment property at the same time carry a mortgage?

Mr. SPOTO. We had a lease on it? You mean we had a lease?

Mr. CELAYA. We obtain a lease before we build on it, a 5-year lease, guaranteeing payment.

Mr. RICE. Oh, I see, you are amortizing.

Mr. SPOTO. Yes.

Mr. RICE. Will you tell us the salaries of the other officers, Mr. Spoto?

Mr. SPOTO. The other officers?

Mr. RICE. Yes.

Mr. SPOTO. Well, Eleanor hasn't got any salary.

Mr. RICE. She has no salary?

Mr. SPOTO. No. In other words, I don't draw a salary as president.

Mr. RICE. You don't draw a salary?

Mr. SPOTO. The officers don't draw salaries as officers. I am in the shipping department.

Mr. RICE. You actually perform duties other than as an officer?

Mr. SPOTO. That's right.

Mr. RICE. The officers don't draw salaries?

Mr. SPOTO. No; not as officers.

Mr. RICE. How about Anthony?

Mr. SPOTO. Anthony is the general manager. He draws \$250 a week.

Mr. RICE. He is general manager?

Mr. SPOTO. Yes.

Mr. RICE. And Red Italiano is paid what?

Mr. SPOTO. He was paid.

Mr. RICE. How much?

Mr. SPOTO. \$300 a week.

Mr. RICE. Since you have been with the company, has there been any dividends?

Mr. SPOTO. No.

Mr. RICE. There never have been any dividends?

Mr. SPOTO. No.

Mr. RICE. This is the extent of the real property holdings?

Mr. SPOTO. I think so; yes, sir.

Mr. RICE. Do you have a rundown on the personal property—any automobiles there besides trucks?

Senator HUNT. Mr. Spoto, we are going to ask you to leave all your records with us overnight. Now, we realize our retaining those records may be of some inconvenience to you, so I assure you we will examine them and get them back to you as promptly as possible.

Mr. CELAYA. Could we have these? On account of the year ending right now it is pretty hard on us, you know.

Mr. RICE. How do you have them broken down? Monthly?

Mr. CELAYA. No.

Mr. RICE. Suppose you work it out with Mr. Martin's staff here and we will—we are interested in compensation to the Italiano family since December 1. We will work that out and you can probably take along your working ledgers.

Senator HUNT. Mr. Spoto, we will excuse you at this time, but it does not relieve you of being under subpoena in that we may wish to have you appear as a witness again before the hearing is concluded. We will excuse you at this time.

Mr. SPOTO. Leave everything?

Mr. RICE. Yes; leave everything, if you will, please.

Senator HUNT. This will be No. 9. Your records, Mr. Spoto, will be received as exhibit No. 9.

(Records of Anthony Distributors, exhibit No. 9, were later returned to the witness.)

Mr. CELAYA. I think I bought a Cadillac in 1946.

Mr. RICE. Is that Cadillac still in the company's possession?

Mr. CELAYA. Yes.

(Thereupon, Mr. Spoto and Mr. Celaya were excused.)

Senator HUNT. Mr. David F. Wescott. You are Mr. Wescott?

Mr. WESCOTT. Yes, sir.

TESTIMONY OF DAVID F. WESCOTT, MANAGER, WILSON & CO., TAMPA, FLA., ACCOMPANIED BY RAY C. BROWN, ATTORNEY, TAMPA, FLA.

Senator HUNT. Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WESCOTT. I do.

Senator HUNT. Mr. Wescott, you are represented by counsel?

Mr. WESCOTT. Yes, sir.

Senator HUNT. Will you give your name please, for the record?

Mr. BROWN. Ray C. Brown, Tampa, Fla.

Mr. RICE. Mr. Wescott, give us your address.

Mr. WESCOTT. 2703 Jetton, Tampa.

Mr. RICE. Jetton Avenue, Tampa?

Mr. WESCOTT. Yes.

Mr. RICE. What is your occupation, Mr. Wescott?

Mr. WESCOTT. I am manager of Wilson & Co.

Mr. RICE. And they are—

Mr. WESCOTT. Meat-packing business.

Mr. PRICE. Meat packers?

Mr. WESCOTT. Yes.

Mr. RICE. When did you first come to the Tampa area, Mr. Wescott?

Mr. WESCOTT. In 1937.

Mr. RICE. And in what capacity were you then?

Mr. WESCOTT. As manager of the Wilson & Co. branch.

Mr. RICE. Where did you come from?

Mr. WESCOTT. Miami.

Mr. RICE. And you were originally from Scranton?

Mr. WESCOTT. That is correct.

Mr. RICE. When you first came to Tampa what was your salary?

Mr. WESCOTT. That I don't know.

Mr. RICE. You don't remember?

Mr. WESCOTT. No.

Mr. RICE. Approximately?

Mr. WESCOTT. I would imagine approximately \$90 a week.

Mr. RICE. Where did you live then?

Mr. WESCOTT. Then I lived off of Bayshore Drive on a street called Palm Drive in Tampa.

Mr. RICE. Did you own a home there?

Mr. WESCOTT. No, sir.

Mr. RICE. Did you rent the home?

Mr. WESCOTT. Yes, sir.

Mr. RICE. Did you own any property at that time?

Mr. WESCOTT. I did own a home in Miami when I left Miami; yes, sir.

Mr. RICE. You owned a home in Miami?

Mr. WESCOTT. When I left there, yes.

Mr. RICE. You sold the home in Miami?

Mr. WESCOTT. When I came to Tampa.

Mr. RICE. And how much did you sell the home for, what was your net, approximately?

Mr. WESCOTT. I imagine \$3,500.

Mr. RICE. When you came to Tampa, did you have any other holdings besides the \$3,500?

Mr. WESCOTT. Nothing, only my cash money that I had.

Mr. RICE. And how much cash money did you have, approximately?

Mr. WESCOTT. I would say approximately \$15,000 in cash and in banks.

Mr. RICE. You say this was 1937?

Mr. WESCOTT. Yes.

Mr. RICE. What bank?

Mr. WESCOTT. Well, I believe it was the First National Bank in Miami. I had a lock box and I had a savings account.

Mr. RICE. Where was your savings account?

Mr. WESCOTT. In the First National Bank.

Mr. RICE. In the First National Bank of Miami?

Mr. WESCOTT. Yes, sir.

Mr. RICE. And did you keep cash money in your lock box?

Mr. WESCOTT. Yes, sir.

Mr. RICE. And you had a savings account?

Mr. WESCOTT. I had a savings account and I also kept cash money, and I have always had a lock box in Wilson & Co.'s safe.

Mr. RICE. Does your lock box pay you interest?

Mr. WESCOTT. No, sir.

Mr. RICE. Does that savings account?

Mr. WESCOTT. No, sir.

Mr. RICE. The savings account does not pay you any?

Mr. WESCOTT. Practically none; no, sir.

Mr. RICE. It pays you some interest, though, does it not?

Mr. WESCOTT. Yes; some interest.

Mr. RICE. Why did you not keep your money in your cash box in your savings account?

Mr. WESCOTT. Because I can remember back to days when the bank went broke and folks lost all of the money they had.

Mr. RICE. So you do not trust banks?

Mr. WESCOTT. That is right.

Mr. RICE. Now, have you been present here today for a while?

Mr. WESCOTT. I was sitting right outside there in the window awhile. I haven't been in the room.

Mr. RICE. You have not been in here this morning?

Mr. WESCOTT. No, sir. In fact, this is my first appearance in a court-room.

Mr. RICE. Well, since you have come to Tampa you have been steadily employed with Wilson & Co.?

Mr. WESCOTT. Yes, sir.

Mr. RICE. As manager?

Mr. WESCOTT. Yes, sir.

Mr. RICE. Have you had any other employment?

Mr. WESCOTT. Yes, sir.

Mr. RICE. What other employment?

Mr. WESCOTT. With the Gulfstream race track in Miami.

Mr. RICE. And what employment is that?

Mr. WESCOTT. I have been a director and an officer.

Mr. RICE. When did you first become associated with the Gulfstream track?

Mr. WESCOTT. I am not certain, but I believe it was 1943, either late 1942 or early 1943.

Mr. RICE. How did that come about? You are up here in Tampa and Gulfstream is down there?

Mr. WESCOTT. I originally lived in Miami. It was through some Miami folks I originally got interested in the property, and they talked to me about it and, in turn, I got some other folks on the west coast interested in it.

Mr. RICE. Tell me who these Miami people were and who the west coast folks were.

Mr. WESCOTT. One west coast man is William Hudson. I believe he is president of the Carpenters and Joiners Union, I guess you would call it. George T. Taylor.

Mr. RICE. What does he do?

Mr. WESCOTT. He is deceased now, but he was a building contractor when I came to Tampa and was until he passed on.

Mr. RICE. Who are the Miami folks?

Mr. WESCOTT. James Dan, Milo Coffman, Frank Pepper, George Langford.

Mr. RICE. And those were friends of yours?

Mr. WESCOTT. Yes, sir.

Mr. RICE. And, as the result of your interest, what happened? Did you buy stock or were you hired?

Mr. WESCOTT. Yes, sir. Originally, I did not buy stock. I put up certain money in what was considered a pool to buy liens on this property, to put up money, some, I believe, \$5,000 in cash, for which I did not even have a scratch of a pen and I don't think anybody else did. It was just a group formed to put up the money to buy up these liens. Bought them and eventually bought the track out of bankrupt court.

MR. RICE. What interest did you have in the track when you bought it? What was your share?

MR. WESCOTT. It was very small. I don't know when we bought it in what that would be. I have more than I have ever had at any other time. I am not certain, but I believe I own today either 227½ shares, or 247½ out of 15,000 shares.

MR. RICE. What is the value of a share, Mr. Wescott?

MR. WESCOTT. I do not know.

MR. RICE. Oh, yes; you do. You own the shares of stock and you have an idea of what they are.

MR. WESCOTT. There have recently been transactions where shares have sold for \$200 a share.

MR. RICE. And you have 247½ shares?

MR. WESCOTT. Either 227½, or 247½.

MR. RICE. Out of a total—

MR. WESCOTT. Of 15,000.

MR. RICE. You said you had employment at Gulfstream. What employment?

MR. WESCOTT. I was an officer.

MR. RICE. What officer?

MR. WESCOTT. Assistant secretary-treasurer.

MR. RICE. And you draw a salary as an officer?

MR. WESCOTT. I draw a director's fee.

MR. RICE. In your capacity as assistant secretary-treasurer what are your duties?

MR. WESCOTT. To assist the secretary-treasurer.

MR. RICE. Who is the secretary-treasurer?

MR. WESCOTT. Milo Coffman.

MR. RICE. Where is he located?

MR. WESCOTT. In Miami.

MR. RICE. How do you assist him in Miami when you are holding a full-time job in Tampa?

MR. WESCOTT. I assist him in meetings.

MR. RICE. So that your assistance is confined to directors' meetings?

MR. WESCOTT. Yes, sir.

MR. RICE. And you draw additional compensation as a director?

MR. WESCOTT. A director's fee; yes, sir.

MR. RICE. What does that amount to annually?

MR. WESCOTT. Whatever the board votes each year.

MR. RICE. What was it last year?

MR. WESCOTT. I am not certain as to that.

MR. RICE. Approximately?

MR. WESCOTT. I believe last year it was \$500, either \$1,000 or \$500, and I am not certain.

MR. RICE. Was there a dividend on your stock?

MR. WESCOTT. No, sir, not last year; there was not.

MR. RICE. Has there ever been a dividend?

MR. WESCOTT. There was a dividend on some preferred stock that I did own, but it has been sold.

MR. RICE. How much did you realize on that?

MR. WESCOTT. I realized no profit. It was bought at \$100 a share and sold at \$100 a share.

MR. RICE. Your interest in Gulfstream started when?

Mr. WESCOTT. In 1942 or 1943.

Mr. RICE. The track was closed at that time?

Mr. WESCOTT. Yes, sir.

Mr. RICE. How much did you individually put up to acquire your interest?

Mr. WESCOTT. Originally I put up \$5,000.

Mr. RICE. And where did that come from; what account?

Mr. WESCOTT. I am not certain on that. I may have borrowed some of that, but the majority of it either came out of my safe at Wilson & Co., or came out of the lock box.

Mr. RICE. Was that all cash?

Mr. WESCOTT. To the best of my knowledge it was.

Mr. RICE. Let's get a little closer to that.

Mr. WESCOTT. That is the best I can give you. The records will show.

Mr. RICE. You did not invest \$5,000 every afternoon, I am sure.

Mr. WESCOTT. The records of Gulfstream Track will show. To the best of my knowledge, it was all cash, but I am not certain.

Mr. RICE. It came from your lock box?

Mr. WESCOTT. It either come from my safe or my lock box.

Mr. RICE. It didn't go into any bank account?

Mr. WESCOTT. No; I don't think so.

Mr. RICE. You say you think you borrowed some of the \$5,000?

Mr. WESCOTT. I may have; yes.

Mr. RICE. Did you?

Mr. WESCOTT. I don't know.

Mr. RICE. If you did—

Mr. WESCOTT. If I did I borrowed it from Alfred A. Smith in Detroit, Mich.

Mr. RICE. Mr. Wescott, we are going to have to come closer than this. Here is a transaction only 7 years ago in which you put up \$5,000. You are a salaried man. This \$5,000 has pyramided to a substantial sum now.

Mr. WESCOTT. Yes.

Mr. RICE. You know where that money came from. Tell us where the money came from?

Mr. WESCOTT. No; I can't tell you where it came from. I don't recall where it came from.

Mr. RICE. Do you want to stand on the answer that you don't remember where the \$5,000 came from?

Mr. WESCOTT. That is what I will have to stand on.

Mr. RICE. Suppose it was said that the money came from Sheriff Culbreath.

Mr. WESCOTT. That would be a lie.

Mr. RICE. That would not be so?

Mr. WESCOTT. It would not.

Mr. RICE. You remember that, don't you?

Mr. WESCOTT. Yes.

Mr. RICE. You will deny that any part of it came from Culbreath?

Mr. WESCOTT. That is correct.

Mr. RICE. There is a piece of property currently in your name which has a fish house, Iler's fish house, on it. Tell us about how you acquired that property. What were the negotiations leading to it, why you bought it, how you bought it?

Mr. WESCOTT. I bought it from a man who was known as Red Italiano.

Mr. RICE. Yes?

Mr. WESCOTT. The negotiations that led up to that deal has been a long friendship. I met Sheriff Culbreath—perhaps he was the first man I met after I came to Tampa.

Mr. RICE. How did you happen to meet him?

Mr. WESCOTT. He was a Shriner and in the Shrine patrol. I was a Shriner in Miami and transferred to Tampa. The former manager of Wilson & Co. was a Shriner and was formerly president of the Egypt temple patrol, and the man's name was Gleason. Gleason and Culbreath were friends. To the best of my knowledge, I was introduced to Culbreath in Wilson's—Wilson & Co.'s office; however, I may have met him before that on these Shrine trips. I may have met him in Miami, I may have met him in Tampa or Jacksonville, but I met him there and out of that grew a friendship, and he picked me up, and the first time I visited a patrol meeting in Egypt temple, Hugh Culbreath, who then was constable, picked me up and carried me to his office.

Mr. RICE. Was he ever in the meat business?

Mr. WESCOTT. I have been so advised. He was never in the meat business since I have been in Tampa, but that was one of our first conversations, of the years that he had spent in the meat business. I believe it was with Armour & Co. and with a subsidiary of Swift & Co., and maybe some others.

Mr. RICE. What was his capacity with those companies?

Mr. WESCOTT. He was a salesman, as I understood it, here in this territory.

Mr. RICE. This territory?

Mr. WESCOTT. Yes; the St. Petersburg and Tampa trade area.

Mr. RICE. Let's get back to the property that came from Italiano.

Mr. WESCOTT. Down through our friendship we had always—we have discussed for years the possibility of some day, when, maybe, he gets out of politics or when I retire—

Mr. RICE. When who gets out of politics?

Mr. WESCOTT. Sheriff Culbreath.

Mr. RICE. Oh, Culbreath.

Mr. WESCOTT. We will say should he get out of politics. That would be better. That he and I would like to have a business of our own, a wholesale meat business, to cater to hotels and restaurants, and for several years we were looking for a piece of property. Sheriff Culbreath called me one day and said that he had an opportunity to lease a piece of property over at Pass-A-Grille and wanted to know if I would go with him and take a look at it.

Mr. RICE. Can you fix the time of that, about? What year?

Mr. WESCOTT. I would imagine that was in 1946.

Mr. RICE. Yes?

Mr. WESTCOTT. So I drove over there and looked at this piece of property with him. There was some gentleman that he expected to find there that he didn't find there. I told him on the way going over that I didn't believe that I was interested in going in a lease with him, however, I wanted to see the property. I looked it all over. He had a list of some cases and scales and fixtures, and so on, and I helped him check that list of fixtures. We looked the property over,

and I told him then that that was a fine piece of property. It is waterfront property, two lots, as I understood at that time, and I believe that he told me he thought it could, perhaps, be bought for \$16,000, and that perhaps if we got it tied up on a lease it might help buy it if we were interested. I told him I would be interested in working out a deal to buy it, but not to lease it; if he wanted to lease it, for him to go ahead and lease it. After we looked the property over and drove around the island, we came back to the grove, to Mr. Iler's office. I sat with Hugh Culbreath in Mr. Iler's office. There were two pieces of equipment—I don't know what they amounted to, but evidently they were small. They may have been a shovel and a hoe, as far as I know, but there were two pieces of equipment that could not be located that showed on this list that he had. I sat in Mr. Iler's office when they closed the deal for \$800 and some on those fixtures, and I imagine when Mr. Iler signed the lease over to him. Mr. Iler was a customer of Wilson & Co.'s and a man that I knew quite well. I visited with him when I first went in, then he and Hugh got into their transaction and I busied myself by looking at a magazine or something while they were transacting the business, because that was strictly between them. That was from Iler to Mr. Culbreath.

Mr. RICE. Was Noah Caton along?

Mr. WESTCOTT. No. I have heard that name and I may have seen him, but, to my knowledge, I never met Mr. Caton.

Mr. RICE. Go ahead.

Mr. WESTCOTT. Mr. Culbreath told me that he was going to set up Mr. Caton in some way, somehow, in this thing. I, of course, was not interested in it, because the only thing that I was interested into was if the thing could be bought and if we could handle the deal.

Mr. RICE. At this stage, when you looked at it, Culbreath told you he was going to set up Caton in some way?

Mr. WESTCOTT. Yes.

Mr. RICE. On that property?

Mr. WESTCOTT. Yes. Caton came into the proposition the day I drove over there with him to look at it and to help him make an inventory. It wasn't long—I don't have any idea whether it was 2 weeks or 6 weeks—that Culbreath and I came together at a Shrine meeting or on the street, or he in my office or me in his office. He told me that this deal didn't look so good; that he had set this fellow Caton up over there and that Caton was constantly running to him, wanting money to operate the business there, and that there had been no agreement, and that it had been his intention not to finance the thing, but he thought Caton could finance the business himself, evidently. I, of course, was sympathetic, but I was not too interested. I told him, I said, "Well, have you given any thought or have you checked into it to find out whether you can buy it or not?" I don't know whether it was at that conversation that he said he had talked with the owner of the property, or whether he said he was going to contact the owner of the property. Anyway, he did come to me and tell me he thought that the thing could be closed at \$16,000; that he had talked to this man Zekosky, or whatever his name was; that he had talked to him. He said he was quite hard to understand and that he believed that it could be bought for \$16,000. I said to him, "Well, how does he want to sell the thing? Can we buy the thing on terms, can we buy it on a

contract, or how?" He said, "How would you like to buy it?" I said, "Well, I would prefer to buy it on terms if we can."

He went back to Zekosky and came back and reported to me that Zekosky wanted \$17,000 for the property, and Zekosky apparently hadn't made up his mind whether he wanted to trade or what he wanted. I told him, "Why don't you try to get him to take you to his attorney or you get an attorney and get him in there and get something done, something definite on this," and, to the best of my knowledge he—either Zekosky made an appointment with an attorney in St. Petersburg by the name of Ramsure, or Culbreath made an appointment for Zekosky—whether all three of them were present at the meeting or not I don't know, but out of that meeting I was advised that it looked as though there were other people interested in this thing and the price was going up, and then they wanted \$19,000 for the property. I said, "Well, Hugh, I'm not interested in bidding against anybody to buy a piece of property. If they've got a piece of property to sell and we can get a price we can deal with them, but if we can't, let's skip it." So we skipped it.

Mr. RICE. In your talk, your negotiations, what were you to put up and what was Culbreath to put up?

Mr. WESCOTT. There was no deal worked out at that time.

Mr. RICE. You were just talking?

Mr. WESCOTT. That's right, because no deal was worked out and we skipped the deal at that time. Culbreath and I were interested into a plant here in Tampa called Vernor's Ginger Ale plant.

Mr. RICE. You say you skipped the deal at that time. What happened to the deal? Isn't this the deal where Caton contracted to pay—

Mr. WESCOTT. I don't know anything about Caton contracting to buy. I had no dealings with Caton and no dealings with Ramsure. My dealings were all with Hugh Culbreath.

Mr. RICE. Go on to the ginger ale.

Mr. WESCOTT. So far as the fish house was concerned the deal was over, it was passe. In 1945 I got a franchise to bottle Vernor's ginger ale in Tampa. I went out and got assignments to sell stock and sold stock to a group of my friends, of whom Hugh Culbreath was one.

Mr. RICE. Did it cost you any money to get that franchise?

Mr. WESCOTT. Yes.

Mr. RICE. How much did you put up?

Mr. WESCOTT. I believe I put up \$1,000.

Mr. RICE. Go ahead.

Mr. WESCOTT. Prior to putting up the money for the franchise, when I was assured that I was going to get the franchise, I had gotten a group of fellows together. They said, "Dave, if you want to start a ginger ale business, we don't know anything about the bottling business, but we'll go in with you." If you ever lived in Detroit, Vernor's ginger ale is an outstanding drink up there and, from all appearances, does a tremendous business. I liked the drink and thought it could be sold anywhere, so I sold stock to my friends. Hugh Culbreath was one of them.

Mr. RICE. How much stock did he take?

Mr. WESCOTT. I'm not certain. I believe that originally I wanted Hugh to take \$10,000 worth. He told me that he would try to take

\$10,000, but I believe that he originally put up \$5,000 and later came in for an additional amount of, maybe, \$3,000 or \$3,500.

Mr. RICE. So he had a total of somewhere around either \$8,000 or \$9,000?

Mr. WESCOTT. That's right.

Mr. RICE. Did he take it all at that time?

Mr. WESCOTT. You say did he take it all at that time?

Mr. RICE. Yes; did he take the stock at that time?

Mr. WESCOTT. The stock was issued to him, \$5,000, and whenever the additional was put up. I don't believe the stock was issued to him on the same day that he put up the money.

Mr. RICE. Between the time you were negotiating for the Iler place and the time you ultimately got it—

Mr. WESCOTT. We were already in the Vernor's ginger ale business.

Mr. RICE. This goes back before that?

Mr. WESCOTT. Yes.

Mr. RICE. How far back?

Mr. WESCOTT. Before the Iler business?

Mr. RICE. Yes.

Mr. WESCOTT. I would say 6 to 9 months.

Mr. RICE. Who did Culbreath pay for that stock in the ginger ale?

Mr. WESCOTT. Paid the secretary who at that time was Joe S. Adams. I am sure that Joe S. Adams was secretary at that time.

Mr. RICE. Are you still an officer of that company?

Mr. WESCOTT. That company has deceased.

Mr. RICE. Defunked?

Mr. WESCOTT. No; it is still operating. We sold it back to the parent company.

Mr. RICE. Well, now, do you know whether Culbreath paid in cash or by check for that stock?

Mr. WESCOTT. I do not know.

Mr. RICE. But it was paid at the time, there was no amortization?

Mr. WESCOTT. That's right.

Mr. RICE. All right, now. Let's get back to the Iler property.

Mr. WESCOTT. Why we got interested in Iler's property again we started to operate and certainly after we got in operation they advised me that we were selling everything and I know my friends were complaining that they would go to the plant and could not get ginger ale, didn't have any to sell them. In other words, you would go down there in the afternoon and everything bottled was out on the trucks and the trucks would come back empty, but we were losing money, and this was my proposition. I did not take an active part in the company. We hired a man by the name of Don McKay, and set him up as general manager and executive vice president, I believe was his title, to operate the ginger ale business as he pleased; he had had experience along that line. I had none and neither had any of my other associates. We are all business and professional men in other lines. Now, when I left for my vacation of that year I went down and went over the records and they didn't look good and I was worried about the good. It was my proposition and I talked to friends in the community, and when I come back from my vacation I went and looked at the records again and they were even worse than when I left. So I started out trying to get someone who might come in and make me

a proposition and I could go and tell the officers and my associates in the outfit that proposition was a bad one due to the fact of the limitations. We could have made money if we could have gotten——

Mr. RICE. Let's stop there a minute and let's see if we can't get to the real reason or the real transaction where the Her's property—it is all very interesting about the goings-on in the company and the negotiations, but we are interested at the moment in——

Mr. WESCOTT. All right. I went to Red Italiano to try to sell him our company down there.

Mr. RICE. You went to Italiano?

Mr. WESCOTT. Yes.

Mr. RICE. And your property, what are you speaking about now?

Mr. WESCOTT. This ginger ale plant.

Mr. RICE. Yes; the plant?

Mr. WESCOTT. Yes. The plant, due to the fact that it was my understanding he did a large business in bottling wine. I went to him, called him, asked him for an appointment, went out to see him, and told him about the piece of property and told him approximately what I thought we had invested at that time, and I wanted him to think it over, take it over, lock, stock, and barrel.

Mr. RICE. Did you know he had a criminal record?

Mr. WESCOTT. I am not certain whether I knew it at that time or not. All I knew was that he was, as far as I knew, and I was surprised when the deal was closed. I thought, perhaps, he was president of that outfit out there. When I had heard of Anthony Distributors, I had heard of Red Italiano. I figured that he was accepted by the State of Florida, by the Government, because I believe you have to be in that kind of business. I went to him and had a conversation and I told him the piece of property, the practice we had—decide to unload wine or beer and the two-story building, a desirable piece of property, and in my opinion it was cheap for what we had invested in the premises, and he told me that he would go by and take a look at it. I asked him if he wouldn't go down with me and look the plant over, and he said no; the first time he had an opportunity he would go by and look at it. One of the employees advised me that he had been down some days later.

Mr. RICE. Go ahead.

Mr. WESCOTT. I contacted him and went back to see him again in his private office. I guess it was his—a little office off from his general office. I asked him if he had been down to see the property and he said yes, it was a desirable piece of property. In the meantime——

Mr. RAY BROWN. Did you know Red Italiano or had you ever met

Mr. WESCOTT. No, sir. I went back on this second trip and told him the Vernor Ginger Ale plant?

Mr. WESCOTT. No, sir. I went back on this second trip and told him I understood he had been down to see it and he said "yes." and I said, "Well, let's sell it to you," well, he said, "I got to figure out the finances." During that conversation with him he told me that he was interested and he was going to have to do some checking and let me know. During that conversation I told him that I understood that he had bought the old fish house over on Pass-A-Grille, and I asked him what in the world he wanted with that property.

Mr. RICE. Where did you understand that from?

Mr. WESCOTT. I am not certain. In all probability I saw it in a St. Petersburg newspaper. I get these papers from all over the trade area due to the advertising in the newspapers. We advertise in the newspapers. However, I found it out. Now, whether Culbreath found it out first—

Mr. RICE. But you understood it?

Mr. WESCOTT. Yes, and I advised him and asked him why in the world he wanted it and he told me that he had the distribution of beer and wine in Pinellas County and he had wanted it for a warehouse, and that since he had bought it the products that he handled had been further allocated, the allocation was cut down and it was going to be necessary for him to borrow money to build a—to remodel the place or to put up a suitable building and that when he had started to make inquiries for a loan for this thing that his officers just sat down on him and told him that they didn't have enough products to warrant the opening up of another warehouse, and that the property was going to be sold. I asked him what he wanted for the property and he said \$19,000. Of course, that was the last price I heard and I asked if that was what he had paid for it and he said that was what he paid for it. I reported—up to this time I had not reported to Hugh Culbreath or to anyone that I had been out there and contacted Red Italiano. I did report then; I came back and I told Hugh that I was out there and Red Italiano told me that this building was up for sale and Hugh asked me what I was doing out there. I told him I had gone out there to sell him this plant. He said, "Well, is he interested?" And I said, "He seems to be."

He wants \$19,000 for it and asked if he was interested and Hugh and I discussed it and about that time there was a lot of publicity floating around, they were going to open up some of these islands, I guess perhaps that are west of this particular piece of property, and if they did a bridge would go across right close to this property and naturally it would make it quite valuable. And Hugh said yes, he was interested if we could work out a deal. I went back to see Italiano and asked him what he—how he wanted to work the deal out and he said he wanted \$19,000 cash. I said, "Well, you would take a check, wouldn't you?" He said, "No; I deal here in my business all cash and I want \$19,000 cash," and I went back to Hugh and told Hugh and Hugh said, "Well, it's a darn good piece of property but I will have to see what—how much I can dig up. I don't know as I can dig up that much money or not." He reported back to me that he could raise approximately \$7,000. I said, "Well, I will have to see what I can raise." I checked and found out that I could raise \$12,000 and I asked Hugh if it was agreeable I would go back to Italiano and ask him to let me see the title on the property, the abstract, if he had the abstract. That was—I had seen other fellows around the office and I said hello to them when I went in and as to who they were, I didn't know. I met a man by the name of—

Mr. RICE. Let's get back to the purchase. Now, you checked to see. Where did you check to see where the \$12,000 was coming from?

Mr. WESCOTT. Checked my safe deposit box and I checked my—

Mr. RICE. You checked your safe deposit box and what else?

Mr. WESCOTT. And my saving account. No, not my saving account. My safe.

Mr. RICE. For your cash?

Mr. WESCOTT. Yes.

Mr. RICE. Now, this was 1946, '45 or '46?

Mr. WESCOTT. Yes, sir.

Mr. RICE. And during the period from 1942 to 1946, what was your average income?

Mr. WESCOTT. That I don't know. I imagine it was——

Mr. RICE. Do you have your tax returns with you?

Mr. WESCOTT. I have got from '44 on.

Mr. RICE. Approximately, what was it?

Mr. WESCOTT. \$4,960.

Mr. RICE. In 1944, you reported a gross income of \$4,900. How about 1945?

Mr. WESCOTT. In 1945, I reported a gross income of \$5,191.

Mr. RICE. \$5,191. In 1944, did you have any other source of income other than your employment with Wilson Co.?

Mr. WESCOTT. Nothing that I received any compensation for.

Mr. RICE. So that 1944 and 1943, 1942, and 1941 and 1940, your main source of income was from Wilson Co. and your average income then for those years would be four or five thousand dollars gross income. Now then, do you have a family?

Mr. WESCOTT. Have a wife.

Mr. RICE. Have a wife. Any children?

Mr. WESCOTT. No, sir.

Mr. RICE. Do you own a home?

Mr. WESCOTT. Yes, sir.

Mr. RICE. Do you maintain the home?

Mr. WESCOTT. I maintain the home.

Mr. RICE. Automobile?

Mr. WESCOTT. Yes, sir.

Mr. RICE. What kind?

Mr. WESCOTT. Chevrolet.

Mr. RICE. Chevrolet, what year?

Mr. WESCOTT. I have got two. I have a 1949 and a 1950.

Mr. RICE. All right now, in 1946, you checked and found \$12,000 that you could put into the Pass-a-Grille property. In 1942, you say you think you had to borrow something to get up——

Mr. WESCOTT. No; I didn't have any intention to borrow. During these years in all probability I borrowed at the very minimum \$25,000.

Mr. RICE. Well, back in 1942, when you purchased the Gulf Stream stock you exhausted your supply in ready cash?

Mr. WESCOTT. No.

Mr. RICE. You didn't?

Mr. WESCOTT. No, sir.

Mr. RICE. You don't think you did?

Mr. WESCOTT. I know I didn't.

Mr. RICE. Why did you borrow money then?

Mr. WESCOTT. I never exhausted my cash.

Mr. RICE. You just keep a limitless supply of cash?

Mr. WESCOTT. Not a limitless supply, but I always do keep cash.

Mr. RICE. Well, it is a good practice if you can do it. My point is this, you then say that you expect us to go along with the idea—do you want to stand on that?

Mr. WESCOTT. Yes, sir.

Mr. RAY BROWN. I do not think that is a fair way to question a witness. We are up here and Mr. Wescott is up here to tell everything he knows of his business and every bit of help he can possibly give you.

Senator HUNT. Let me say to counsel, I do not see that there is anything wrong with that line of questioning. The inference may not always be exactly proper. I might say that I follow the same principle, and borrow money while I have money on hand. That is the way I have always operated. But I think the question is appropriate and attempting to build up a foundation here for future questions. I will try and be very fair in these questions, but I think that question is appropriate.

Mr. RICE. Along that line, going back to 1937 when you had the \$3,500 and came to Tampa, and you had an additional supply of money, where did that come from?

Mr. WESCOTT. I was formerly in business in Scranton, Pa. I carried cash money to Detroit, Mich. I had to put it some place because I closed out of a business and the records will show very definitely that I was there in Detroit for 2 years.

Mr. RICE. How old a man are you?

Mr. WESCOTT. 46 years old.

Mr. RICE. And in Scranton where the accumulations were made they were products of your own efforts and you did not inherit any money and it was not given to you; the money was earned by you during your lifetime?

Mr. RAY BROWN. At what age did you start to work?

Mr. WESCOTT. I started to work when I was 15 years old.

Mr. RICE. Why did you leave the business in Scranton?

Mr. WESCOTT. You take coal-mine strikes in that area, and big stores are going broke, and one store, I believe the name was Smith & Murphy.

Mr. RICE. To make it short, things were going bad, the depression was on and it was getting a little tough and you were not showing a profit, were you?

Mr. WESCOTT. You are not showing a profit when customers are going broke.

Mr. RICE. You sold out?

Mr. WESCOTT. I didn't sell out. We liquidated.

Mr. RICE. What did you take with you when you liquidated?

Mr. WESCOTT. I imagine my savings and what I could get out with. The best I remember I left there with \$11,000.

Mr. RICE. Coming back down to the \$12,000 that you checked and located, that was put with the \$7,000, making a total of \$19,000, which was the purchase price from Italiano, and you then completed the transaction. There were no real estate men involved. Where was the closing of that deal?

Mr. WESCOTT. Right out in their office.

Mr. RICE. In the Italiano office?

Mr. WESCOTT. Yes, sir.

Mr. RICE. Were any deeds drawn?

Mr. WESCOTT. Yes, sir.

Mr. RICE. Who drew the deeds, if you know?

Mr. WESCOTT. That I don't know; no, sir. All that I know is that on a previous trip I went down there and got the information and

asked them if they had a title abstract and they told me the abstract was with a man named Ramsure, an attorney in St. Petersburg.

Mr. RICE. Do you have the deed? Do you have access to it?

Mr. WESCOTT. Yes.

Mr. RICE. You still have it?

Mr. WESCOTT. Yes.

Mr. RICE. It was taken in your name as an individual?

Mr. WESCOTT. Yes.

Mr. RICE. And your wife?

Mr. WESCOTT. No.

Mr. RICE. What agreement did you have with Culbreath?

Mr. WESCOTT. He had a \$7,000 interest in it. I never tried to hide that.

Mr. RICE. Did you have that in writing?

Mr. WESCOTT. No, sir. His wife knows it; my wife knows it, and everyone that is connected; that is, there has never been anything done to try to hide it.

Mr. RICE. But suppose you and your wife were wiped out here tonight, what evidence would Culbreath have of his interest in that property?

Mr. WESCOTT. Nothing, only the testimony of my friends and his friends that have heard me say. I told our attorney about the Gulfstream Race Track, that if anything ever did happen to me—that Hugh Culbreath definitely had an interest.

Mr. RICE. What is his name, your attorney?

Mr. WESCOTT. W. G. Ward.

Mr. RICE. Did you tell him to do anything with the Gulfstream stock if anything happened to you?

Mr. WESCOTT. No, sir. That is all handled in my and my wife's name, and Hugh Culbreath has \$7,000.

Mr. RICE. Did you tell him about any other property that you held jointly with Culbreath that he should take care of?

Mr. WESCOTT. There is no other property.

Mr. RICE. That is the only one?

Mr. WESCOTT. Yes, sir.

Mr. RICE. All right, now, since you took over the property, what has been done with it?

Mr. WESCOTT. Well, it has been arranged to—there is a couple of apartments upstairs.

Mr. RICE. Is it rental property?

Mr. WESCOTT. Yes, sir.

Mr. RICE. What happens to the income?

Mr. WESCOTT. The income since 1948 has come to me. I have the statement here.

Mr. RICE. It goes to you.

Mr. WESCOTT. It comes to me since—

Mr. RICE. Who handles the property for you as agent?

Mr. WESCOTT. A firm called Roughgarden.

Mr. RICE. And Roughgarden handles the rent for you as it comes in?

Mr. WESCOTT. Yes, sir.

Mr. RICE. Do you disperse any to Culbreath?

Mr. WESCOTT. No, sir.

Mr. RICE. And what does he get for his \$7,000?

Mr. WESCOTT. I handle the property and he gets nothing for his \$7,000. It is very small.

Mr. RICE. It does draw rent?

Mr. WESCOTT. It is very small.

Mr. RICE. What is the rent? Approximately what is the rent?

Mr. WESCOTT. Oh, it will run anywhere from \$50 to, I guess, \$160. It won't average \$100 a month.

Mr. RAY BROWN. Here is his statement by years.

Mr. WESCOTT. You might show him that second one there.

Mr. RICE. Now, there has been introduced here during the day a copy of the tax records of that property. It seems to be assessed against Culbreath. How does that happen?

Mr. WESCOTT. When we bought the property we got the taxes—in other words, the deal was that we were to pay the delinquent taxes. Culbreath was given the deed to take to Pinellas County to have it recorded, and certainly, if you or anybody else was trying to hide anything and you were trying to stay out of the deal, you certainly would not go to a place of record like a courthouse to record a deed in my name, in which you might become involved; so, definitely, when the deed was recorded, Hugh Culbreath recorded the deed. He carried the deed over there and came back and when he came to report it I asked him how much stamps he wanted to put on it and, I don't know, they tell me that some of the property they put about twice as much stamps as they are supposed to put. He carried it back at a later date and had it recorded and then turned it over to me.

Mr. RICE. He has paid the taxes?

Mr. WESCOTT. He has; yes, sir. He paid them in the beginning because I went to him and I said, if this thing is in the hole and they want to make a mortgage we have some taxes, and he said, "Give me the taxes, and I will pay the thing," and I could pay him back.

Mr. RICE. You put up \$12,000 and bought the property, and he put up \$7,000 and bought the property and you take all of it and he pays the taxes and he has nothing to show for it. Is that a fair statement?

Mr. WESCOTT. No, sir.

Mr. RICE. What is wrong with it?

Mr. WESCOTT. You just didn't let me go far enough, that is all.

Mr. RICE. It seems to me you are going pretty far.

Mr. WESCOTT. I am willing to quit any time you are. I will be glad to explain. [Laughter.]

Senator HUNT. Just 1 minute. The committee will take, at this time, a 10-minute recess.

(Recess had.)

Senator HUNT. The committee will come to order.

Mr. Paul Giglio. Is he present—Paul Giglio? Do you solemnly swear that the testimony you will give this Committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GIGLIO. I do.

TESTIMONY OF PAUL GIGLIO, TAMPA, FLA.

Mr. RICE. Mr. Giglio, will you give your name and address for the record?

Mr. GIGLIO. My name is Paul Giglio, 1310 Eighteenth Avenue.

Mr. RICE. In Tampa?

Mr. GIGLIO. Tampa.

Mr. RICE. You are appearing here in response to a subpoena which has been served on you?

Mr. GIGLIO. Yes.

Mr. RICE. How long have you lived around Tampa, Mr. Giglio?

Mr. GIGLIO. I was born in Tampa.

Mr. RICE. You were born in Tampa?

Mr. GIGLIO. Yes.

Mr. RICE. What is your present business?

Mr. GIGLIO. Well, I am in the hardware business now.

Mr. RICE. With whom are you associated in the hardware business?

Mr. GIGLIO. Frank Morales.

Mr. RICE. You have been around Tampa all your life?

Mr. GIGLIO. I was born here and I have always been here; yes, sir.

Mr. RICE. Now, going back before you were in the hardware business, were you in the bolita business?

Mr. GIGLIO. Yes, sir.

Mr. RICE. When did you start?

Mr. GIGLIO. Well, in 1942, around that.

Mr. RICE. About 1942?

Mr. GIGLIO. Yes, sir.

Mr. RICE. Were you associated with Morales in the bolita business?

Mr. GIGLIO. Not all the time. He went to the Army and I was selling by myself.

Mr. RICE. In the bolita business what did you do?

Mr. GIGLIO. I used to sell bolita to customers, meet them on the street.

Mr. RICE. Did you back it yourself?

Mr. GIGLIO. No, sir; I used to sell for the syndicate.

Mr. RICE. Who backed you?

Mr. GIGLIO. Well, the first one that I used to sell for was Frank Pardo, and he died; then I was selling for Sam Lumia and Primo Lazzara.

Mr. RICE. Sam Lumia?

Mr. GIGLIO. That's right.

Mr. RICE. Was he a brother of Jimmy Lumia?

Mr. GIGLIO. Yes; that's right.

Mr. RICE. Where is Sam Lumia now?

Mr. GIGLIO. I don't know. I heard he was in the hospital.

Mr. RICE. In Tampa or in Los Angeles?

Mr. GIGLIO. He's not in Tampa, no.

Mr. RICE. He is in Los Angeles, is he not?

Mr. GIGLIO. I don't know.

Mr. RICE. You heard he was in the hospital?

Mr. GIGLIO. That's what I heard.

Mr. RICE. Then who did you sell for?

Mr. GIGLIO. Then I was selling for Jimmy Velasco and Friscia. They worked together.

Mr. RICE. Jimmy Velasco?

Mr. GIGLIO. Yes, sir.

Mr. RICE. Where is he now?

Mr. GIGLIO. He is dead.

Mr. RICE. Who was the other one?

Mr. GIGLIO. Gus Friscia.

Mr. RICE. Where is he now?

Mr. GIGLIO. I don't know.

Mr. RICE. For the record, I might state that Gus Friscia is an individual who we have found it has been impossible to reach with a supena. Do you know where he is now?

Mr. GIGLIO. No.

Mr. RICE. Do you have any idea where he could be found?

Mr. GIGLIO. Not at all.

Mr. RICE. In connection with your activities as a bolita peddler or operator, were you ever arrested?

Mr. GIGLIO. Many times.

Mr. RICE. Many times?

Mr. GIGLIO. Yes.

Mr. RICE. How many times?

Mr. GIGLIO. I can't count them, but I have been arrested many times, by the city and the county.

Mr. RICE. What years did that cover?

Mr. GIGLIO. Well, I believe the last time was 2 years ago or more, right after they killed Jim.

Mr. RICE. Two years ago?

Mr. GIGLIO. Yes.

Mr. RICE. Well, would you say 2 or 3 or 4 times or 8 or 10 or 15 times? What would it be?

Mr. GIGLIO. It would be about 8 or 10 times.

Mr. RICE. Eight or ten times?

Mr. GIGLIO. Yes, sir.

Mr. RICE. When you were arrested for bolita what became of it? Were you sent to jail?

Mr. GIGLIO. They usually sent a bondsman and put up the bond.

Mr. RICE. Who sent the bondsman?

Mr. GIGLIO. The banker.

Mr. RICE. Whoever the banker was sent the bondsman?

Mr. GIGLIO. Yes.

Mr. RICE. What happened?

Mr. GIGLIO. He bailed me out.

Mr. RICE. Did you go to jail later?

Mr. GIGLIO. No.

Mr. RICE. What happened?

Mr. GIGLIO. He just forfeited the bond, some way or another.

Mr. RICE. So you never have spent any time in jail as a result of that?

Mr. GIGLIO. No.

Mr. RICE. On these bond forfeitures you put a bond up and they would forfeit it. What would happen to that money?

Mr. GIGLIO. It would go on into the—a bondsman would come and the banker would give him the money, and you are supposed to appear on such a date, and you don't appear.

Mr. RICE. They wouldn't come back and look for you again; they would just take the money. Is that it?

Mr. GIGLIO. That's right.

Mr. RICE. When you first started in the bolita business, how did they select the number?

Mr. GIGLIO. Well, at that time there used to be nightly drawings in Cuba, and it would come out on the radio every night.

Mr. RICE. It came out on the radio?

Mr. GIGLIO. Yes, sir.

Mr. RICE. The number on the throwing?

Mr. GIGLIO. Yes.

Mr. RICE. On a local station?

Mr. GIGLIO. Yes.

Mr. RICE. Do you know which one?

Mr. GIGLIO. Well, I don't remember the name. There was two.

Mr. RICE. What did they broadcast?

Mr. GIGLIO. There used to be a regular throwing.

Mr. RICE. Would they say, "The result of the throwing tonight is No. 84"?

Mr. GIGLIO. No. There is three numbers they call.

Mr. RICE. They would just say that?

Mr. GIGLIO. Yes.

Mr. RICE. Make that announcement?

Mr. GIGLIO. That's right, one after another.

Mr. RICE. How did the throwing take place? Where did that happen?

Mr. GIGLIO. I don't know—in Cuba. I've never been there.

Mr. RICE. It happened down in Cuba and you got it up from there?

Mr. GIGLIO. Yes, sir.

Mr. RICE. Did there come a time when they selected the number, when the selection of the number was made here in town by cards or otherwise?

Mr. GIGLIO. They used to have it by the race-track results, and then they had it with cards.

Mr. RICE. How did the card thing work?

Mr. GIGLIO. They get a hundred cards, from 1 to 100. They put them on a board and the customers look at the board. They want to be sure that all the numbers are on the board. Then they shuffle the cards out and they pick one from the crowd and he sticks a plastic knife in and they reach for the card, and that is the first number.

Mr. RICE. Then someone else sticks the knife—

Mr. GIGLIO. Then they picked another fellow to stick the knife for the second number.

Mr. RICE. You say they picked one from the crowd. What crowd?

Mr. GIGLIO. The spectators.

Mr. RICE. Where would they be gathered?

Mr. GIGLIO. Well, at different places.

Mr. RICE. Where would that be? In a store?

Mr. GIGLIO. No; in a cover shop.

Mr. RICE. What?

Mr. GIGLIO. Wherever they sold numbers.

Mr. RICE. Did they use the same one all the time?

Mr. GIGLIO. No; they used to have different places all the time.

Mr. RICE. How long ago was that?

Mr. GIGLIO. Up to the time they killed Jimmy Velasco.

Mr. RICE. He was killed in 1948?

Mr. GIGLIO. That's right. Then it continued; then they stopped about 2 months after Jimmy Lumia was killed.

Mr. RICE. Who would be allowed to see this cutting?

Mr. GIGLIO. That was a public drawing.

Mr. RICE. It was public?

Mr. GIGLIO. Yes.

Mr. RICE. Anybody could come and see it?

Mr. GIGLIO. Yes, sir.

Mr. RICE. All the players who were playing knew about it, and knew where it was going to be?

Mr. GIGLIO. They passed the word around, "Tonight we are going to throw at such a place."

Mr. RICE. That they were going to have a drawing at a certain place and the crowd would gather there?

Mr. GIGLIO. Yes, sir.

Mr. RICE. Did any police officers ever come around there?

Mr. GIGLIO. No; I never saw any there.

Mr. RICE. How did they avoid that?

Mr. GIGLIO. I imagine it was fixed.

Mr. RICE. Imagine what?

Mr. GIGLIO. I imagine it was fixed so they wouldn't be around there.

Mr. RICE. As a matter of fact, being in it yourself, you knew that it was fixed, didn't you? You knew they would not be expected?

Mr. GIGLIO. Of course.

Mr. RICE. How did they arrange that?

Mr. GIGLIO. It was so arranged from the office.

Mr. RICE. From the office?

Mr. GIGLIO. Yes.

Mr. RICE. Of the banker or the backer?

Mr. GIGLIO. Yes, sir.

Mr. RICE. Who did they arrange that with?

Mr. GIGLIO. The head of the syndicate fixed it up.

Mr. RICE. Were you ever there when they made any of those arrangements?

Mr. GIGLIO. No, never.

Mr. RICE. What would happen when they would arrest you for that? Would that be a mistake or was that also fixed?

Mr. GIGLIO. No. Sometimes it was fixed and sometimes—they got to pick up somebody, anyway, to make out a showing.

Mr. RICE. When they want to make a showing, how do they arrange that?

Mr. GIGLIO. They make it like they did the last time they arrested me.

Mr. RICE. What was that last time?

Mr. GIGLIO. This K. C. Myers came with three deputies—

Mr. RICE. Deputy sheriffs?

Mr. GIGLIO. That's right. I was pulling out from the house to go to my place of business. They stopped me around the corner and they searched the truck, and K. C. Myers had a package in his hand wrapped up in newspaper, so I don't think anything. When we got to the county jail, he opened up the package and I saw three pads of bolita books, and I told him it was a frame-up. He told me to shut up, and they booked me for peddling.

Mr. RICE. For what?

Mr. GIGLIO. Selling bolita.

Mr. RICE. Did you pay a fine?

Mr. GIGLIO. Yes. They called the bondsman.

Mr. RICE. They called him up?

Mr. GIGLIO. I did. I didn't have no banker, and I wasn't selling. I had to call somebody to get me out.

Mr. RICE. Was there ever an arrest by prearrangement? Did you ever know you were going to be arrested beforehand, and submit to it?

Mr. GIGLIO. The only thing, they come to my place of business and I wasn't selling.

Mr. RICE. Before that, though, were there ever any times when they what you call stand a man out to be arrested?

Mr. GIGLIO. No.

Mr. RICE. That didn't happen?

Mr. GIGLIO. No.

Mr. RICE. Before Velasco was killed you said you were turning in to him?

Mr. GIGLIO. That's right.

Mr. RICE. He was the backer?

Mr. GIGLIO. That's right. That's who I was selling for all the time up to the day of the killing.

Mr. RICE. Before that did you have any conversations with Sheriff Culbreath, who was then campaigning for reelection in 1948?

Mr. GIGLIO. Yes, sir.

Mr. RICE. What did he tell you? What did he say?

Mr. GIGLIO. He called me in the office——

Mr. RICE. Called you where?

Mr. GIGLIO. In his office.

Mr. RICE. In his office?

Mr. GIGLIO. Yes, and he called me and my brother-in-law, Frank Morales, and told us to go straight and be sure that we go straight, because he heard different, that we were campaigning for the other fellow.

Mr. RICE. He heard you were campaigning for the other fellow?

Mr. GIGLIO. He must have heard rumors, that's right.

Mr. RICE. He told you to do what?

Mr. GIGLIO. To go straight, get in line.

Mr. RICE. Get in line?

Mr. GIGLIO. Yes.

Mr. RICE. Then what?

Mr. GIGLIO. Well, I keep on the other fellow in the first primary, but in the second primary we switch to him.

Mr. RICE. When you say "we switch," who is "we"?

Mr. GIGLIO. Jimmy and my brother-in-law.

Mr. RICE. Jimmy Velasco and you and Morales?

Mr. GIGLIO. Yes.

Mr. RICE. You switched then to Culbreath?

Mr. GIGLIO. That's right.

Mr. RICE. When you switched did you do anything? Did you contribute to the campaign?

Mr. GIGLIO. Yes. Jimmy told us to take some money down to the sheriff.

Mr. RICE. Jimmy did what?

Mr. GIGLIO. He said to take \$500 to the sheriff.

Mr. RICE. Take \$500 to the sheriff?

Mr. GIGLIO. Yes.

Mr. RICE. Did you do that?

Mr. GIGLIO. Yes, sir.

Mr. RICE. When was that?

Mr. GIGLIO. It was after the first primary.

Mr. RICE. Where did the money come from?

Mr. GIGLIO. Out of the pot.

Mr. RICE. From the pot?

Mr. GIGLIO. Yes.

Mr. RICE. Cash money?

Mr. GIGLIO. Yes.

Mr. RICE. Did you take it yourself?

Mr. GIGLIO. Yes.

Mr. RICE. Who did you give it to?

Mr. GIGLIO. Well, I give it to him myself. Sy Young was present, and Frank Morales.

Mr. RICE. What did he say when you did that?

Mr. GIGLIO. I just gave him the envelope.

Mr. RICE. You just gave him the envelope?

Mr. GIGLIO. Yes.

Mr. RICE. What did he say?

Mr. GIGLIO. He said, "It comes in handy," that's all.

Mr. RICE. "It comes in handy"?

Mr. GIGLIO. Yes.

Mr. RICE. Who was there with you at that time?

Mr. GIGLIO. City Representative Sy Young.

Mr. RICE. City Representative—

Mr. GIGLIO. Sy Young.

Mr. RICE. Sy Young?

Mr. GIGLIO. Yes.

Mr. RICE. Who else?

Mr. GIGLIO. Frank Morales.

Mr. RICE. Did you make any other contributions to the campaign?

Mr. GIGLIO. Well, a few times—I believe a few days after that—I think it was a week or so—I took another \$1,000.

Mr. RICE. There was a reason why Velasco sent you down personally, wasn't there?

Mr. GIGLIO. Yes.

Mr. RICE. What was it?

Mr. GIGLIO. Well, they was picking on me all the time, and to keep suspicion away that we were working for the other fellow.

Mr. RICE. They were picking on you because you were not in line?

Mr. GIGLIO. That's right.

Mr. RICE. What do you mean, picking on you?

Mr. GIGLIO. I got arrested all the time by the deputies.

Mr. RICE. The deputies were harassing you?

Mr. GIGLIO. Yes.

Mr. RICE. So this was to be a gesture that you were now in line?

Mr. GIGLIO. Yes, that we were taking care of his business.

Mr. RICE. Who was it that you originally supported in the first primary?

Mr. GIGLIO. Bill Myers.

Mr. RICE. Bill Myers?

Mr. GIGLIO. Bill Myers.

Mr. RICE. Now, tell us about the delivering the rent?

Mr. GIGLIO. Well, every few weeks we used to go out of town, to Jacksonville, or Miami—

Mr. RICE (interrupting). Wait a minute now. Explain what the rent was first and how it happened.

Mr. GIGLIO. He had a bunch of money put in an envelope, and he told me to take the rent to the old man.

Mr. RICE. Now, this is Italiano talking?

Mr. GIGLIO. No, it's Jimmy.

Mr. RICE. Not Italiano. Jimmy Velasco. He told you to deliver the rent to the old man?

Mr. GIGLIO. Yes, that's right.

Mr. RICE. When was that?

Mr. GIGLIO. That was a few days after the second primary.

Mr. RICE. That would be the summer of 1948?

Mr. GIGLIO. 1948? Yes, sir.

Mr. RICE. And Jimmy was getting ready to go out of town?

Mr. GIGLIO. That's right.

Mr. RICE. And what did he tell you to do?

Mr. GIGLIO. He told me to take it to the old man, but he didn't tell me the reason why. He didn't tell me why he wanted me to take the money.

Mr. RICE. What did he give you?

Mr. GIGLIO. Some hundred dollar bills and some twenties, I imagine. It wasn't a big lot of money.

Mr. RICE. How much money was it?

Mr. GIGLIO. \$1,000.

Mr. RICE. How much?

Mr. GIGLIO. \$1,000 is what he said it was.

Mr. RICE. Did you help him count the money?

Mr. GIGLIO. No, I didn't.

Mr. RICE. Did—it was handed to you. You know it was a thousand dollars?

Mr. GIGLIO. That's what he said it was.

Mr. RICE. Was anyone else there?

Mr. GIGLIO. No, sir.

Mr. RICE. He told you to take the rent to the old man?

Mr. GIGLIO. Yes.

Mr. RICE. Now, who was the old man?

Mr. GIGLIO. The sheriff. He told me to take it to the sheriff.

Mr. RICE. He told you to take it to the sheriff?

Mr. GIGLIO. Yes.

Mr. RICE. Now, how often was the rent paid?

Mr. GIGLIO. I don't know how often. But the money was going out faster than it was coming in.

Mr. RICE. It was going out faster than it was coming in. Was that the usual weekly rent that you were taking down?

Mr. GIGLIO. I can't say whether it was weekly or not. He was paid a lot of money every week.

Mr. RICE. He was paid a lot of money every week?

Mr. GIGLIO. Everything worked out for the campaign and graft. I know that.

Mr. RICE. Now, in your participation with Velasco, did you get part of the proceeds? How were you paid?

Mr. GIGLIO. I was just making a small percentage of what I used to sell.

Mr. RICE. Of what you sold?

Mr. GIGLIO. Yes.

Mr. RICE. Did you share in the pot?

Mr. GIGLIO. I don't think anybody shared in that, because there wasn't anything left. Everything was going out.

Mr. RICE. Where was it going?

Mr. GIGLIO. To the campaign.

Mr. RICE. To the campaign.

Mr. GIGLIO. State and local campaigns.

Mr. RICE. Who else's campaign was it going to?

Mr. GIGLIO. Well, the Governor's. Some was going there, too.

Mr. RICE. Did you say what?

Mr. GIGLIO. The State campaign.

Mr. RICE. The State campaign. Well, some of that was campaign and some of that was rent. Now, this time you took the rent down, did you go by yourself?

Mr. GIGLIO. That's right.

Mr. RICE. And what happened?

Mr. GIGLIO. I went to the back there, around to the side.

Mr. RICE. Where?

Mr. GIGLIO. To the office he has got in back.

Mr. RICE. In the jail?

Mr. GIGLIO. At the jail house.

Mr. RICE. At the jail?

Mr. GIGLIO. Yes. He has got an office in the back.

Mr. RICE. At whose office in the back?

Mr. GIGLIO. The sheriff's office.

Mr. RICE. What happened?

Mr. GIGLIO. Nothing.

Mr. RICE. Was he there?

Mr. GIGLIO. Sure.

Mr. RICE. Was anyone else there?

Mr. GIGLIO. I imagine some deputies were around there. Not inside of the office.

Mr. RICE. What did you do when you got in there?

Mr. GIGLIO. Just gave him the envelope.

Mr. RICE. Was anything written on the envelope? What did you say?

Mr. GIGLIO. "Jimmy sent you this."

Mr. RICE. What did he say?

Mr. GIGLIO. He said okay.

Mr. RICE. Okay. Now, in Italiano's office or headquarters did it ever happen that other bolita bankers met there for conferences of any kind?

Mr. GIGLIO. I imagine there was a headquarters but I have never been there. I heard Jimmy say at one time they used to go there and have meetings, and they had lots of meetings there with the boys. I never went there myself.

Mr. RICE. A lot of meetings with the boys. Who did he mean by the boys?

Mr. GIGLIO. The syndicate. All the rest of the bankers would get together.

Mr. RICE. What did they talk about?

Mr. GIGLIO. Rearranging things.

Mr. RICE. What kind of things?

Mr. GIGLIO. Oh, I imagine the gamblers, who is going to get this part and the other part.

Mr. RICE. Who is going to have what territory and what peddler?

Mr. GIGLIO. That's right.

Mr. RICE. Now, going back to these rental payments, how long were you with Jimmy and his organization?

Mr. GIGLIO. We were about 3 weeks or 4 weeks before the first primary. He had a fight with his partner, Friscia. Then he went in by himself. Then he came to see us, to get with him to go into business. He was going to do business and politics and so on, and I started from then on.

Mr. RICE. So you switched over with Jimmy?

Mr. GIGLIO. That's right.

Mr. RICE. From that time on until his death you were associated with him?

Mr. GIGLIO. That's right.

Mr. RICE. Did the sheriff ever participate in any of these meetings that they had?

Mr. GIGLIO. I can't say.

Mr. RICE. Did they ever go down and have a meeting in the sheriff's office?

Mr. GIGLIO. They used to go there a lot——

Mr. RICE (interrupting). Did you ever take Jimmy down or go down with him?

Mr. GIGLIO. No, sir. He used to have a chauffeur who would take him down.

Mr. RICE. Jimmy used to have a chauffeur who would take him down?

Mr. GIGLIO. Yes.

Mr. RICE. To the sheriff's office?

Mr. GIGLIO. Not to the sheriff's office. He had a chauffeur himself.

Mr. RICE. Was his chauffeur his bodyguard?

Mr. GIGLIO. An employee. I don't believe it was a bodyguard.

Mr. RICE. I don't believe so either, the way it ended up. Now then, why was Jimmy killed?

Mr. GIGLIO. Well, I imagine he was too popular in politics. He had a lot of sympathy to it and they were afraid he was getting too popular, and he could switch the election he wanted. In other words, he would carry a lot of votes.

Mr. RICE. He swung the ballots of control. He was the pivot?

Mr. GIGLIO. That's right. He was the balance.

Mr. RICE. Now, who was against him?

Mr. GIGLIO. What do you mean?

Mr. RICE. Well, he was in control. Who was the minority who was against him, that would want to see him out of business?

Mr. GIGLIO. Well, I don't know. He had a fight with some of those boys who were in the gambling. I don't know which ones, which ones were his enemies. They had a bunch of them.

Mr. RICE. Do you think it is possible that one of his boys did the job?

Mr. GIGLIO. Well, I can't say who would have done it because I don't know. It was along those lines.

Mr. RICE. What is your idea about that? Do you think it was out-of-town men that were brought in?

Mr. GIGLIO. It may have been. I don't know. It might have been an inside job.

Mr. RICE. Well, you knew that these men would customarily meet in another city, like New Orleans, did you not? Some would go over there?

Mr. GIGLIO. I have heard about it.

Mr. RICE. You heard they met over there. And after they would meet, would anything happen?

Mr. GIGLIO. Well, it used to. Somebody would get bumped off.

Mr. RICE. Once in awhile somebody would be bumped off. So that you associated the meetings with the bumping off. In other words, you think they met over there and discussed it and came back and a man would be liquidated?

Mr. GIGLIO. That is what the general rumor was because every time they would meet somebody would be bumped off.

Mr. RICE. Now, you were in business before you went with Velasco, were you not?

Mr. GIGLIO. I was in the hardware business.

Mr. RICE. And you were in the bolita business?

Mr. GIGLIO. Both.

Mr. RICE. Now, in operating, how did you arrange for your protection then before you went with Jimmy?

Mr. GIGLIO. I was protected with him. He was furnishing the protection.

Mr. RICE. But before that, before that?

Mr. GIGLIO. Before I used to sell for him I was protected by the other people, the one I was selling for.

Mr. RICE. And how did they do that?

Mr. GIGLIO. They never told me how they did it. They never told me how they did it, but I imagine they did it through the officials.

Mr. RICE. Did they tell you they were doing it?

Mr. GIGLIO. Naturally.

Mr. RICE. They told you they would take care of the protection. They mentioned who the officials were, did they?

Mr. GIGLIO. They had connections with the mayor. They had connections with the sheriff.

Mr. RICE. Who? The mayor?

Mr. GIGLIO. The mayor, and the sheriff. That's right.

Mr. RICE. How about the chief of police?

Mr. GIGLIO. Well, I imagine he was in there, too.

Mr. RICE. I think you can come a little closer to it than that. You are a man who helped jeopardize his existence by acting as a bolita peddler. You had to know how you were protected, how your protection was arranged and how good it was and from whom you were protected. What did they tell you as to how they would take care of that? Did they put your name on a list and say, "They won't bother you"?

Mr. GIGLIO. Well, that is the trouble. Some of them they used to lay them off of the list and some they would put them on. They were

picking on me because I used to oppose them all the time, in all of these elections.

Mr. RICE. Going back to the time you first started in the bolita business, as far as you were concerned, was protection always paid by someone?

Mr. GIGLIO. That is right.

Mr. RICE. There never was a time when they did not have protection?

Mr. GIGLIO. Sometimes the lid was off and they were supposed to lay off and not give the ticket.

Mr. RICE. Why would the lid go on?

Mr. GIGLIO. Sometimes they would get rough, sometimes the newspapers and some kind of an investigation.

Mr. RICE. A committee?

Mr. GIGLIO. A committee, and there you are, no tickets.

Mr. RICE. When someone would be murdered, as frequently happened, would they stop the bolita for a while?

Mr. GIGLIO. It didn't stop with him, he would keep on.

Mr. RICE. He would keep right on but sometimes it would be a different deal?

Mr. GIGLIO. That is right.

Senator HUNT. Mr. Giglio, will you describe in detail what you mean by "paying the rent"?

Mr. GIGLIO. I presume that is the protection or the graft you paid for operating.

Senator HUNT. Can you tell us approximately, over how long a period of time this "rent" was paid to the sheriff's office?

Mr. GIGLIO. Well, I couldn't tell you because I didn't stay long enough. I didn't stay but 6 months with him and then he was killed.

Senator HUNT. Was the rent paid prior to the 6 months that you speak of, before he was killed, to your knowledge?

Mr. GIGLIO. He was paying all of the time, I think. A lot of money was going out continually every day, unless a bad number came out, and naturally, there was no money in the pot.

Senator HUNT. I understand you personally delivered two payments, one of \$500 and one of \$1,000, is that correct?

Mr. GIGLIO. Yes, sir.

Senator HUNT. You mentioned that possibly some of that went up into a higher level of government than the sheriff. Would you care to give any comment on that?

Mr. GIGLIO. The rest of the money?

Senator HUNT. No. What part of the thousand dollars, if any, to your knowledge, got by the sheriff up into a higher level of government?

Mr. GIGLIO. Well, I don't know.

Mr. RICE. We will excuse you now.

(Witness excused.)

Senator HUNT. Mr. Girth C. Clarkson. Are you Mr. Clarkson?

Mr. CLARKSON. I am.

Senator HUNT. Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CLARKSON. I do.

TESTIMONY OF GIRTH C. CLARKSON, TAMPA, FLA.

Senator HUNT. I should like to make an announcement, that the committee is now in communication with Mr. Garcia, who advises that he will appear tomorrow as a witness, coming to the meeting from the hospital.

Mr. RICE. Mr. Clarkson, will you give the reporter your name and address?

Mr. CLARKSON. G. C. Clarkson, 3007 Stovall Street, Tampa.

Mr. RICE. You are appearing here in response to a subpoena served upon you?

Mr. CLARKSON. I am.

Mr. RICE. What is your present occupation?

Mr. CLARKSON. I am a salesman at present.

Mr. RICE. For whom?

Mr. CLARKSON. The American Cooking Utensil Co.

Mr. RICE. Before that, what job did you have, Mr. Clarkson?

Mr. CLARKSON. Well, prior to that I guess I was in the sheriff's office for 3 years from 1943—1944—'45 to '48. I believe it was.

Mr. RICE. You were a clerk in the sheriff's office?

Mr. CLARKSON. No, sir. At the jail.

Mr. RICE. From 1943 to 1948?

Mr. CLARKSON. Three years—1948, 1947—it was 1945.

Mr. RICE. 1945 until 1948?

Mr. CLARKSON. Yes, sir.

Mr. RICE. And then you were under Sheriff Culbreath?

Mr. CLARKSON. Yes, sir.

Mr. RICE. Were you in the civil or criminal division?

Mr. CLARKSON. No, sir; I was just a clerk in the jail.

Mr. RICE. Will you tell us what you know about Briggs & Co.?

Mr. CLARKSON. Personally, I don't know anything about Briggs & Co. myself.

Mr. RICE. What happened around the jail about Briggs & Co.?

Mr. CLARKSON. I don't know. I just heard some of the people speak of Briggs & Co., but I don't know what they meant. I was told you were supposed to play some kind of bets around there.

Mr. RICE. Someone could play some kind of bets there?

Mr. CLARKSON. Yes, sir. It was next door. It was not in my office.

Mr. RICE. In the next office?

Mr. CLARKSON. Now that is just hearsay on my part.

Mr. RICE. Someone told you?

Mr. CLARKSON. Yes, sir.

Mr. RICE. Some of the deputies or other employees?

Mr. CLARKSON. Yes, sir.

Mr. RICE. What did they tell you?

Mr. CLARKSON. One person asked me if I wanted to make a bet on some race or something, and I said, no, and they said I could make it. That is all I know.

Mr. RICE. You could make a bet right there in the jail?

Mr. CLARKSON. Yes, sir.

Mr. RICE. What did Briggs & Co. have to do with that?

Mr. CLARKSON. I don't know. I will have to admit that I don't know. That is just hearsay on my part. I was told that you could do that.

Mr. RICE. Was Briggs & Co. in any way connected with this facility in placing bets?

Mr. CLARKSON. I don't know because I never did do any betting. That is just what I heard operated next door. I did hear the jailer, Mr. Riles, mention Briggs & Co. gave some presents out one Christmas. They didn't amount to much. They asked me if I never heard of Briggs & Co., and I told them I hadn't. So it must have existed there.

Mr. RICE. Briggs & Co. was the name used to cover the gambling activity in the jail?

Mr. CLARKSON. I would have to infer that. That is all.

Mr. RICE. That was the inference that you received?

Mr. CLARKSON. That is right.

Mr. RICE. When you say next door, you mean in the same building, but in another room?

Mr. CLARKSON. Yes, sir. They have two offices there.

Mr. RICE. Now, tell us about the practice of booking people who were arrested, bringing in these gamblers on arrest cases; did you have anything to do with the booking?

Mr. CLARKSON. Yes, sir.

Mr. RICE. What were some of your observations of some practices there?

Mr. CLARKSON. There were a number of gambling places operating, so I understand from the records, like Port Tampa, Seffner, and Sulphur Springs, and all around outside, and the procedure was, so I was told, that some fellow down in Port Tampa might operate a small gambling place.

Mr. RICE. Yes, sir.

Mr. CLARKSON. And he wanted to keep in operation, so he would send five men to the county jail and book them.

Mr. RICE. You say he sent them up?

Mr. CLARKSON. That is what I observed one night. I saw them get out of the car.

Mr. RICE. The gamblers got out of the car?

Mr. CLARKSON. Yes, sir.

Mr. RICE. Was there any officer with them?

Mr. CLARKSON. A deputy brought them in. A few minutes before I had seen him around the jail, so he could not have had time to go to Port Tampa and bring them in.

Mr. RICE. How far is Port Tampa?

Mr. CLARKSON. Nine miles.

Mr. RICE. And inside of a few minutes you saw him around the jail, and in another few minutes you saw him there with five gamblers?

Mr. CLARKSON. Yes, sir, that is right. They were not all gamblers. They had a peculiar way of booking them. One would be charged with vagrancy and the other gambling and the other booked for something else. Of course, they had to put two down for gambling, because you can't gamble by yourself.

Mr. RICE. Why?

Mr. CLARKSON. Because you can't—a man can't gamble by himself.

Mr. RICE. Every time they brought in one, they had to bring in two?

Mr. CLARKSON. They would charge two with gambling and the other three with three little offenses.

Mr. RICE. And what would these people that came in with them, what would they do, post a bond?

Mr. CLARKSON. We were told that in a few minutes the man who operated the place would send up \$100 and we would release them on a \$20 bond.

Mr. RICE. You were told that he would send that?

Mr. CLARKSON. Yes, sir.

Mr. RICE. Did you release them before you got it?

Mr. CLARKSON. No, sir, they would send the money up there and we would make the bond and release them.

Mr. RICE. You would not lock them up?

Mr. CLARKSON. No, sir.

Mr. RICE. You would keep them until the bond got there?

Mr. CLARKSON. Yes, sir.

Mr. RICE. Then what happened?

Mr. CLARKSON. If I am not mistaken, I think one night it was about 8:30, and by 9 o'clock they had brought in six from Seffner, and that is 11 miles out, and I figure it is a physical impossibility for a man to bring in five men from Port Tampa at 8:30 and at about 9 o'clock from Seffner, which is about 11 miles out. The worst thing about this is mileage. It is charged up three ways.

Mr. RICE. How is that?

Mr. CLARKSON. I don't know why. That is the way it is. It is 11 miles out there and 12½ cents a mile.

Mr. RICE. How would they charge the mileage?

Mr. CLARKSON. That is figured into the record, I suppose.

Mr. RICE. And who received the money for the mileage?

Mr. CLARKSON. I don't know. Of course, when the bond was put up, it was generally estreated. None of these fellows ever would go in court.

Mr. RICE. I understand you, when a deputy would go some place 11 miles away and bring in a prisoner, that he would charge 33 miles?

Mr. CLARKSON. Yes, sir.

Mr. RICE. How do you account for that?

Mr. CLARKSON. I couldn't tell you that.

Mr. RICE. How did they account for it?

Mr. CLARKSON. That is what I was told. I think they charged around \$7 apiece. I don't know how it is broken up.

Mr. RICE. As a matter of fact, in many cases, it was a physical impossibility for the deputy to have gone that far, and back, in the time?

Mr. CLARKSON. That is right.

Mr. RICE. Where did the sheriff and the deputy sheriff get the gasoline?

Mr. CLARKSON. They have a pump there and they get the gasoline from different stations. They rotate that, I believe.

Mr. RICE. And is the gasoline supplied to the cars?

Mr. CLARKSON. Yes, sir.

Mr. RICE. And it is charged to the sheriff's or the county's account?

Mr. CLARKSON. The deputies all get their gasoline for nothing. I guess. That is the way they work it. I don't know, sir.

Mr. RICE. They do not pay for the gasoline?

Mr. CLARKSON. No, sir. The sheriff furnishes it.

Mr. RICE. In addition to the gasoline, 7 cents a mile for more miles than actually traveled is charged; is that right?

Mr. CLARKSON. I suppose so.

Mr. RICE. Suppose the deputy or the sheriff were going on a long trip, is it customary to use that gasoline?

Mr. CLARKSON. Yes. I wouldn't want to say. I don't know. I don't know that.

Mr. RICE. Did it ever come to your attention that the sheriff or any of his deputies had loaded up on gasoline and was going out of the State?

Mr. CLARKSON. No, sir; I couldn't say so.

Mr. RICE. During the time that you were employed there, did you come to know permanent gamblers in Tampa?

Mr. CLARKSON. Well, I couldn't say that I do. I was told once in a while a fellow would come down there to put up bond and a fellow would say he was so-and-so, but I have even forgotten the names of them.

Mr. RICE. Who would say he was "so-and-so"?

Mr. CLARKSON. Somebody told me he was such-and-such a man, but I would not pay much attention to them.

Mr. RICE. I am talking about the top-flight gamblers.

Mr. CLARKSON. No, sir.

Mr. RICE. To see them around the jail there?

Mr. CLARKSON. No, sir.

Mr. RICE. Did you ever see the sheriff in conversation with any?

Mr. CLARKSON. I couldn't say that I ever did.

Mr. RICE. Tell us about the time when you had a conversation with Deputy Myers about making a statement, and booking someone.

Mr. CLARKSON. That was just a little bit funny. He brought some old fellow in there one night, and he was booking him and was going to charge him with an affray; and I knew the old fellow was too old and sick, and I asked wasn't he making a mistake, and he said: "That is all right; go ahead and book him," and he laughed about it, and I did, too. He was too old to fight.

Mr. RICE. Booked him for what?

Mr. CLARKSON. An affray, and he was too old to fight.

Mr. RICE. And he was too old to "affray"?

Mr. CLARKSON. Yes, sir.

Mr. RICE. Did Culbreath ever come over to the jail?

Mr. CLARKSON. Yes, sir, sometimes.

Mr. RICE. Whom did he visit with when he came over?

Mr. CLARKSON. The warden.

Mr. RICE. Did he visit with any of the inmates?

Mr. CLARKSON. No, sir; not that I know of.

Mr. RICE. Did he meet any gamblers there?

Mr. CLARKSON. I couldn't say. I never saw him.

Mr. RICE. Did you ever talk with any gamblers and they tell you they had been to the jail to lay the envelope on the desk?

Mr. CLARKSON. No. I heard this same man that was in here awhile ago say something like that happened.

Mr. RICE. You heard who?

Mr. CLARKSON. This fellow testifying here.

Mr. RICE. Giglio?

Mr. CLARKSON. Yes.

Mr. RICE. What did he say?

Mr. CLARKSON. He said he had taken money down there, but I don't know anything about that.

Mr. RICE. Did he tell you that?

Mr. CLARKSON. Yes; he told me that.

Mr. RICE. Before he came here?

Mr. CLARKSON. Yes.

Mr. RICE. Anyone else?

Mr. CLARKSON. No; I don't recall anyone else. I never talked with anybody else. That's just hearsay as far as I am concerned. I don't know, because their office is on one side and ours is here. There is a wall between; so I never came in contact over there.

Mr. RICE. So, if the envelopes were laid on the desk, you wouldn't be in a position to see it?

Mr. CLARKSON. No; I didn't. I wouldn't.

Mr. RICE. It could happen; couldn't it?

Mr. CLARKSON. Well, I would say it could happen.

Mr. RICE. Do you think it did?

Mr. CLARKSON. I don't know.

Mr. RICE. When the bondsmen came down to put the money up, the \$100 or other money, how was that handled? Where did it go?

Mr. CLARKSON. We showed them in the records, then we made up a list of the cash and it went down to the sheriff's office the next morning. It was deposited in the bank, I suppose.

Mr. RICE. The cash went to the sheriff's office?

Mr. CLARKSON. Yes.

Mr. RICE. You showed it in your records?

Mr. CLARKSON. No; we turned it over to the warden, and the man from the sheriff's office came out there about 10 o'clock every morning and got that money. I guess they took it down to the office.

Mr. RICE. The records you keep, are they permanent records?

Mr. CLARKSON. Yes.

Mr. RICE. Are they available?

Mr. CLARKSON. Yes.

Mr. RICE. Do they show these payments of bonds?

Mr. CLARKSON. Yes, sir; they will show that.

Mr. RICE. And it is possible to total those up?

Mr. CLARKSON. Yes; it would be.

Mr. RICE. Were those books ever checked by an accountant, an auditor?

Mr. CLARKSON. Not during the time I was there.

Mr. RICE. Did you make a yearly recapitulation or statement of that?

Mr. CLARKSON. No. They balanced every day.

Mr. RICE. They balanced every day?

Mr. CLARKSON. Yes.

Mr. RICE. How about the yearly totals?

Mr. CLARKSON. They had to balance. We had to balance everything every month. I couldn't tell you what happened at the end of the year.

Mr. RICE. I think that is all, Mr. Clarkson. Thank you.

(Witness excused.)

Senator HUNT. Mr. Hugh Culbreath.

Mr. K. C. MYERS. Your honor, may I make a statement? I don't think he knows he is supposed to be here. I can have him here in just a few minutes, I think. I think he understood that he was to be subpoenaed tomorrow.

Mr. RICE. He was notified that it was today.

Mr. MYERS. It was?

Mr. RICE. Yes.

Mr. MYERS. I will check in just a moment.

Senator HUNT. Will you have him bring with him all the records that we have subpoenaed?

Mr. MYERS. Yes, sir.

(Thereupon, although the committee remained in session, no proceedings were had for some 15 minutes.)

Senator HUNT. The committee has now waited 15 minutes for the sheriff to produce himself as a witness. He was notified to be here at 4 o'clock, notified personally by a member of the staff; so I am going to direct the United States marshal to produce the sheriff in this room at 7:30 this evening.

The meeting is recessed until 7:30.

(Whereupon, at 5:35 p. m., the hearing was recessed until 7:30 o'clock p. m. the same day.)

TESTIMONY OF LT. CHARLES A MARVIN, UNITED STATES ARMY AIR FORCE, STEWARD FIELD, N. Y.

(The hearing resumed at 7:30 p. m., pursuant to recess.)

Senator HUNT. Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Lieutenant MARVIN. I do.

Mr. RICE. Lieutenant Marvin, will you give your name and address?

Lieutenant MARVIN. Charles A. Marvin, 1116 Peninsular, Tampa.

Mr. RICE. That is your home address?

Lieutenant MARVIN. That is my home address?

Mr. RICE. You are a lieutenant in the Air Force of the United States? Where are you stationed?

Lieutenant MARVIN. Steward Field, N. Y.

Mr. RICE. Now, Lieutenant, sometime ago were you on the police force in Tampa?

Lieutenant MARVIN. That is correct.

Mr. RICE. When was that?

Lieutenant MARVIN. That was from July 28, 1947, through October 27 of this year.

Mr. RICE. From July 1947 until when?

Lieutenant MARVIN. July 1947 until October of this year.

Mr. RICE. What was your capacity on the police force?

Lieutenant MARVIN. Well, I started out as a patrolman and after about a year and a half I was placed on the vice squad under what was then Inspector Beasley, and I was there approximately 9 months and was switched to the detective bureau, where I spent 6 weeks, and then back to uniform.

Mr. RICE. Now, when was it that you went on the vice squad?

Lieutenant MARVIN. That was, I believe, in March 1949, the 1st of March 1949.

Mr. RICE. And you were then under Inspector Beasley, who is now the chief?

Lieutenant MARVIN. Well, theoretically, we were under Lieutenant Bolesta, who was head of the vice squad. We took our orders directly from the chief of police, who at that time was J. L. Eddings.

Mr. RICE. On the vice squad, then, you were directly accountable to whom?

Lieutenant MARVIN. J. L. Eddings.

Mr. RICE. In connection with your operations on the vice squad what were your duties?

Lieutenant MARVIN. Well, our duties at that time in town—the town was supposedly closed to all gambling. We were supposed to suppress and we were supposed to catch and prosecute any bolita operator that we could find operating in the city and any other form of gambling.

Mr. RICE. Now, Lieutenant, about how many numbers operators or bolita operators, to your knowledge, operated in Tampa during the time that you were on the squad?

Lieutenant MARVIN. To the best of my knowledge there were approximately 10 or 12.

Mr. RICE. Bankers?

Lieutenant MARVIN. Bankers.

Mr. RICE. Do you know some of them? Can you tell us who some of them were?

Lieutenant MARVIN. Primo Lazzara, Gus Friscia, who was his partner, Armando Florez, who was known as Flocco, and his partner, Phillip Piazza. Raney Nunez.

Mr. RICE. All right. How about Scaglione?

Lieutenant MARVIN. Nick and Al Scaglione. One by the name of Joe Cagnino. The day I was transferred off of the vice squad we held a warrant for him. We were going to search his residence. We understood he was operating from his residence. We held the warrant to search his residence. I never got to use the warrant.

Mr. RICE. Tell us a little bit about how the protection for the gamblers worked while you were on the vice squad.

Lieutenant MARVIN. At the time I was on it they were not supposed to have any protection. It was supposedly closed. I understand that they had been told to cease all operations and if they didn't they would be prosecuted to the utmost—which they weren't.

Mr. RICE. What do you mean?

Lieutenant MARVIN. Which they weren't. Well, one case in particular that we made against a man by the name of Rinaldo Martinez. We got Mr. Martinez with quite a number of bolita tickets and paraphernalia on his person and the chief made a State case of it, and we went to JP court and he was bound over to the criminal court, and the county attorney has never filed any information in the criminal court case. The case has never come up, and that has been over a year.

Mr. RICE. As far as you know the case is still pending?

Lieutenant MARVIN. As far as I know it is still pending.

Mr. RICE. Is that typical of the others?

Lieutenant MARVIN. It has happened in the past; yes, sir. That was the only case that the chief had to take to the county court. The rest of them were tried in the municipal court in the city.

Mr. RICE. Well now, you said that they made a State case out of that. How does that work?

Lieutenant MARVIN. There is a warrant taken in JP's office charging the man under the State statutes.

Mr. RICE. Yes.

Lieutenant MARVIN. He is taken into justice of the peace court. He is not actually tried there. It is decided by the justice of the peace whether the case will be bound over to the criminal court of record or dismissed. He can't fine or imprison anyone out of the JP court.

Mr. RICE. Yes.

Lieutenant MARVIN. Well, he bound it over to the criminal court of record under a \$1,500 bond, this particular case I am speaking of. In the case, there was no information filed in the criminal court of record. The case has never been called up in the criminal court or even bound over.

Mr. RICE. Whose business is it to bring those cases on for trial or dispose of them?

Lieutenant MARVIN. County Solicitor Fisher, I believe, is the man that is responsible.

Mr. RICE. Does this particular case go to him?

Lieutenant MARVIN. Yes. It supposedly went to him.

Mr. RICE. Now, did you have some conversation with Busbee?

Lieutenant MARVIN. Yes, I worked under Sergeant Busbee.

Mr. RICE. Tell us about that situation.

Lieutenant MARVIN. Well, Officer Denning and myself were putting in about 16 hours a day—we averaged at least one case a day against these bolita operators. We were really being hard on them. One evening we picked up a small pick-up man. We followed him. We had been getting information on him for better than a week. We had no jurisdiction in the county. The city has no jurisdiction in the county. We picked up his trail in the county and followed him in the city and we made an arrest. Sergeant Busbee met us at the police station.

Mr. RICE. What is Busbee's first name?

Lieutenant MARVIN. Luke, I believe.

Mr. RICE. And what is his job?

Lieutenant MARVIN. Well, at that time he was on the gambling detail of the vice squad. We went up to our office on the third floor of the police station and filed this bolita numbers that we had taken from the pickup man and turned it over to Sergeant Busbee and he was going to handle it, and that was the last I ever heard of it. There was no case made against this particular party.

Mr. RICE. What was his name, do you remember?

Lieutenant MARVIN. I don't know his last name. The first name was Jimmy.

Mr. RICE. Did you have any conversation with Busbee about the protection of gamblers?

Lieutenant MARVIN. Sergeant Busbee asked us to go easy on two particular gamblers—I believe there were three, now that I think of it. He said he had money tied up with them at the time Velasco was killed—he had better than \$90,000 tied up with them, and that partic-

ular time he was talking to us he still had \$10,000 invested with the gamblers and he wanted us to go easy on them until he could get his money back.

Mr. RICE. Let me see if I understand that. Did he tell that to you directly?

Lieutenant MARVIN. He told that directly to Officer Denning and myself.

Mr. RICE. To Officer Denning and you?

Lieutenant MARVIN. Yes, sir.

Mr. RICE. And he said he had \$90,000 tied up with the gamblers?

Lieutenant MARVIN. At the time Velasco was killed.

Mr. RICE. Where did he get \$90,000?

Lieutenant MARVIN. Well, I don't know. My understanding is that his wife died and she had money and she left quite a large trust fund for the two children with Busbee as executor of the trust fund and he made investments for that trust fund and acquired quite a large sum of money.

Mr. RICE. Yes.

Lieutenant MARVIN. He also made the statement to Officer Denning and myself that the first 11 months that he was in charge of the gambling detail of the vice squad that he cleared \$250,000.

Mr. RICE. What do you mean by cleared? Where did he get it?

Lieutenant MARVIN. Supposedly from the gamblers.

Mr. RICE. In protection money?

Lieutenant MARVIN. I don't know whether it was protection money or profits that he allegedly got from money he had invested with them.

Mr. RICE. Then, he actually backed the gambling himself or was interested in their operations?

Lieutenant MARVIN. That's right. That is what I was led to believe.

Mr. RICE. The impression you had. Did he tell you what gamblers to take it easy on?

Lieutenant MARVIN. Primo Lazzara, Gus Friscia—Gus Friscia was Primo's partner—Flocco, Armando Florez, Phillip Piazza, who was Florez's partner, and Nick and Al Scaglione.

Mr. RICE. How many is that in number?

Lieutenant MARVIN. In number it is only three bankers. They are six people in number.

Mr. RICE. And those were the ones you were told to take it easy on?

Lieutenant MARVIN. Yes. We had been asked not to hit them as hard as we had been. We had been hitting them very hard.

Mr. RICE. In connection with the vice squad, was there any list maintained, or record maintained as to who the operators were or are around Tampa?

Lieutenant MARVIN. My understanding, from my conversations that I had with Sergeant Busbee and Officer Denning, is that prior to Velasco's killing the town was wide open, and on Chief Eddings' order they made up a complete list of every peddler in the city of Tampa.

Mr. RICE. On whose order was that?

Lieutenant MARVIN. By Chief Eddings' order. That was what I was led to understand by Denning and Busbee, that they made a complete list of every peddler in the city of Tampa, which amounted to something better than 1,500 peddlers.

Mr. RICE. What did they do with that list?

Lieutenant MARVIN. The last I heard Sergeant Busbee had the list. I never have seen the list.

Mr. RICE. Sergeant Busbee had it?

Lieutenant MARVIN. Yes.

Mr. RICE. What was the purpose of the list?

Lieutenant MARVIN. The actual purpose I really couldn't say at all, other than that it was a record of who was selling numbers in the city of Tampa and who they were selling them for. It was more for the information of the chief and the man in the gambling detail and the vice squad.

Mr. RICE. What do you mean by "information"?

Lieutenant MARVIN. Well, just to know whose men were who.

Mr. RICE. To know who to let alone?

Lieutenant MARVIN. I imagine that is what it was for.

Mr. RICE. Well, you were on the vice squad.

Lieutenant MARVIN. Well, that was prior to the time I came on the vice squad.

Mr. RICE. Now, I show you some papers and ask you if you recognize them?

Lieutenant MARVIN. Yes, I do.

Mr. RICE. What are they?

Lieutenant MARVIN. They are names and addresses of bolita men. This one here is in Chief Eddings' handwriting. It was given to Officer Denning and myself.

Mr. RICE. Officer Denning?

Lieutenant MARVIN. Yes, and we were told to catch those people, that they were writing and he had information, and we were told to catch them.

Mr. RICE. You were told to catch them?

Lieutenant MARVIN. Yes.

Mr. RICE. Did you do that?

Lieutenant MARVIN. We did.

Mr. RICE. What was the reason he told you to catch them?

Lieutenant MARVIN. Well, they were breaking the law. They were writing bolita.

Mr. RICE. So you had here a list of four people who were breaking the law?

Lieutenant MARVIN. Yes, sir.

Mr. RICE. But there were 1,500 operating?

Lieutenant MARVIN. Not at that time, Mr. Rice. There were approximately 475 writers at that time. This was at the time the town was supposedly closed and there was no gambling going on.

Mr. RICE. I see.

Lieutenant MARVIN. There is another list.

Mr. RICE. Wait a minute before you leave that. Why did he pick these particular four?

Lieutenant MARVIN. I don't know. He didn't explain that.

Mr. RICE. He just told you to go out and get them.

Lieutenant MARVIN. May I see that list again, please. That particular list, I don't know. I don't know what his reason is for giving those four particular names.

Mr. RICE. Well, now, tell me this, as a police officer when you receive a name or names of someone who were said to be peddling or running a bolita operation, is it possible to go out and make an arrest?

Lieutenant MARVIN. Not a legal one; no, sir. Not just like that—not just like the snap of the fingers.

Mr. RICE. What did you do?

Lieutenant MARVIN. At that time we were on an expense account, and we had our informers who were quite well paid. Some of them were beaten up when they were found out. We would follow the person that was suspected or have our informers go in and buy numbers from these so-called suspects, if possible. We would use marked money or money from which we had taken the serial numbers and if our informers made a buy we would go in and inform the party that we had bought some, who we were and what we were there for, and ask his permission to search. We didn't always get it.

Mr. RICE. Did you get a warrant?

Lieutenant MARVIN. No, sir. The majority of these places were beer and wine or liquor shops. We were advised that under State statutes concerning the beverage law that we had a perfectly legal right to search any place that we had reason to believe was used to commit a felony.

Mr. RICE. Publicly?

Lieutenant MARVIN. Yes, sir; publicly.

Mr. RICE. Tell me this, lieutenant, as a practical matter and as a former police officer, is it not comparatively easy to make a case against a peddler, if you know he is peddling?

Lieutenant MARVIN. Yes. We had one practice that we followed, on Chief Eddings' order, if a man were known to be a bolita peddler, which there was quite a few, I think that were known by most of all police officers, we could pick him on a vagrancy charge under the State statutes and make a notation on the court or on the judge's docket "known bolita peddler." Of course, some of those were set up for us; I know that. I could not prove it. But I know they were set up, because we would go to a certain place to get a man and he would be there waiting with \$200 in his pocket.

Mr. RICE. In other words, they would put him out in front to wait for you?

Lieutenant MARVIN. Yes, sir.

Mr. RICE. To compile statistics of the number of arrests?

Lieutenant MARVIN. Yes, sir.

Mr. RICE. In your opinion, is it possible for a gambling peddler to operate actively without police knowledge?

Lieutenant MARVIN. For a while it is possible, if conditions are such that the town is open and that the authorities are allowing bolita to be sold openly, which they were up until 2 months ago here. He will operate for a while without the knowledge of the police. In a short time, other bolita peddlers here—

Mr. RICE. Competitors?

Lieutenant MARVIN. Competitors, yes, sir. That the syndicate will turn him into the police to keep him from taking business away from them.

Mr. RICE. Can you recall any instance where peddlers were turned in by the syndicate to be pushed out?

Lieutenant MARVIN. No, sir. At the time when I was on the vice squad, the syndicate was not operating as a syndicate. They were free lance, taking their chances.

Mr. RICE. Do you think it is possible for a police department to run a closed town?

Lieutenant MARVIN. Yes, sir; I believe it is. We almost had a closed town here from the period from the time Velasco was killed until December of last year. This town was about as near closed as it could be.

Mr. RICE. What are those other papers, Lieutenant?

Lieutenant MARVIN. The large one here is a list of peddlers, bolita peddlers, and the locations where bolita is sold, as furnished Mr. Denning and myself by Chief Eddings.

Mr. RICE. For what purpose?

Lieutenant MARVIN. To catch them.

Mr. RICE. What are the others?

Lieutenant MARVIN. These are lists giving peddlers or different bankers of bolita that Officer Denning compiled, or else got from the bankers themselves through the assistance of Sergeant Busbee.

Mr. RICE. For what purpose?

Lieutenant MARVIN. These are some of them that we were supposed to go easy on.

Mr. RICE. These 4 sheets here are a list of individuals whom you were instructed to go easy on?

Lieutenant MARVIN. Yes, sir.

Mr. RICE. Read some of those names, Lieutenant. Incidentally, whose handwriting are those in, if you know?

Lieutenant MARVIN. Those are in Mr. Denning's handwriting.

Mr. RICE. Do you recognize that as his handwriting?

Lieutenant MARVIN. Yes, sir. There is the Atomic Cafe on Twenty-ninth Street; the Little Savoy on Central and Scott; Charley Suley, who has a record of some eighty-odd arrests in Tampa for bolita; Cass Grocery Store, 706 Cass; Chili's place; the Willow Cafe; and a grocery store at the corner of Scott and Highland; the Corner Bar, Fortune Street and Tampa; a grocery store on Laurel; Eddie and Coco on Central Avenue; United Grocery, Twenty-sixth Street and Twentieth Avenue; Spot's Grocery on Kay Street, between Spring and Highland.

Mr. RICE. Were you working with Officer Denning when these lists were compiled?

Lieutenant MARVIN. Yes, sir.

Mr. RICE. Did he give you those?

Lieutenant MARVIN. Yes; he did. He gave me these the night of the day he was taken from the vice squad and put back in uniform.

Mr. RICE. He was put back in uniform?

Lieutenant MARVIN. Yes.

Mr. RICE. And you continued on?

Lieutenant MARVIN. I continued on for 2 days more and was transferred to the detective bureau.

Mr. RICE. Tell us about the Toledo incident. I will offer these lists.

Lieutenant MARVIN. That is what we believe was the cause for us being taken off the vice squad. We were never told or given any reason for us being removed from the vice squad. We thought we were doing a wonderful job. Our revenue run something over \$6,000 a month that we turned over to the city treasury.

We got information that George Toledo was banking bolita and told where his offices were and where he was carrying on the operation, but we could not bother him because he was a particular friend of

Chief Eddings, which we did not let bother us. We watched Toledo for about a week.

Mr. RICE. What connection were you told that he was or had with Eddings?

Lieutenant MARVIN. We were told he was a particular friend of Chief Eddings?

Mr. RICE. Who told you that?

Lieutenant MARVIN. Sergeant Busbee was one, after he was removed from the vice squad, and informers that we had told us that Toledo had a place on the beach and Chief Eddings spent his weekends on the beach with him, and we observed his habits and noticed that he went to the post office about 9 or 9:30 every evening, and we followed him on a Monday, I believe, and saw him come out of his house and get into his car and put some packages in the seat before he got into the car. We followed him all of the way downtown and he stopped in back of the Tribune and bought a paper and went on to the post office, and we pulled up to the side of him and identified ourselves and told him he was under arrest. His wife was with him. We searched his car and found bolita tickets and a tally sheet for a week's business of bolita, letters from Cuba containing a Cuban newspaper that gave the numbers drawn on the National Lottery in Cuba; and we took them to the police station and took him up to our office and his wife was with him on that day and she complained of being ill; so we didn't know exactly what to do about her. I didn't and neither did Mr. Denning.

Mr. RICE. Did you book him?

Lieutenant MARVIN. Eventually; yes, sir. I called Chief Eddings' home, I don't know whether I got him out of bed or not.

Mr. RICE. You had him at the police station?

Lieutenant MARVIN. Yes, sir; we had him up in the office of the vice squad. And, as I say, Mrs. Toledo complained of being ill. Mr. Denning and myself didn't know exactly what to do about that, so we called Chief Eddings.

Mr. RICE. About the wife being ill?

Lieutenant MARVIN. Yes; to see what disposition we should make of his wife.

Mr. RICE. You had not booked him yet?

Lieutenant MARVIN. No, sir; neither one of them. Chief Eddings was very provoked when we told him we had Toledo and his wife down there.

Mr. RICE. What do you mean by provoked?

Lieutenant MARVIN. He had a very rough tone of voice. He said to turn her loose and put him on the books for \$200, that is exactly, and he hung up. So we turned her loose and put Mr. Toledo on the books, charging him with possession of lottery. The case came up about 2 weeks later, where it should have come up the next morning, and it was dismissed in municipal court.

Mr. RICE. What became of the \$200?

Lieutenant MARVIN. It was returned to him.

Mr. RICE. It was returned?

Lieutenant MARVIN. Yes, sir.

Mr. RICE. Did you feel, as a police officer, that you had a good case there?

Lieutenant MARVIN. Yes; I thought that we did.

Mr. RICE. Did you discuss that with any prosecuting authorities?

Lieutenant MARVIN. We talked the case over with Mr. Twomey, who is assistant city attorney. We had instructions from the chief to use Mr. Twomey any time we felt necessary, but at this time, I don't remember why, but Mr. Twomey, I don't believe, was in the courtroom on that case.

Mr. RICE. What did he say about it? Was he interested in prosecuting?

Lieutenant MARVIN. Yes, sir. Mr. Twomey was interested in all lottery cases, in prosecuting them to the fullest extent. He thought we were doing a very good job.

Mr. RICE. Where did the case lose out?

Lieutenant MARVIN. In my opinion, it was with the judge.

Mr. RICE. What do you mean? You mean he fixed things with the judge?

Lieutenant MARVIN. Well, we had cases in there—well, just a good example, the statement the judge made one morning.

Mr. RICE. What judge are you talking about now?

Lieutenant MARVIN. Judge Potter, the municipal judge. A case in there one morning, a bolita case—I was not on that particular case, it was a Latin fellow, I forget who he was now—he kept talking and Judge Potter told him, "If you will just keep quiet a minute, I am trying to find out something to turn you loose on." [Laughter.]

Mr. RICE. Was the same judge on the Toledo case?

Lieutenant MARVIN. Yes, sir.

Mr. RICE. What happened to you shortly after that?

Lieutenant MARVIN. Well, right after the Toledo case, Chief Eddings called me over and asked how I would like to go on the detective bureau. He said he thought I would make a good man on the detective bureau. I told him I would like very much to try it and see if I could fulfill the qualifications.

So, I was transferred to the detective bureau. I went to work the next day on the detective bureau. Inspector Stephens, who was still at that time inspector of detectives wasn't there. He came in Monday morning. I told him I had been transferred to the detective bureau. He said, "Well, this is the first I knew about it." I stayed there 6 weeks. I was given no explanation, but was sent back to uniform. The memorandum that came through on it sending me back to uniform said that Officer C. O. Davis was on sick leave and I was replacing him. Well, I had the impression that it was just temporary, so when Officer Davis came back to the relief I went to Inspector Beasley and asked him whether I was transferred permanently or temporarily to uniform. He said, "Permanently," and that is all that was said. Six weeks after I went on the detective bureau I was transferred, as I say, to uniform.

Then in October, the 27th, I believe, walking my beat in Ybor City, the street sergeant came out. I was just calling in, reporting in to the station. He asked me if I had made certain statements about certain officers. I told him no, I had not, that one officer came to me and asked about it, and he was a very good friend of mine. He said he didn't believe it when he heard it, but that he thought he had better ask me about it anyway, just to see what I would say. The street sergeant took me into the chief's office, where I was accused of making, as the

chief put it, scurrilous and scandalous remarks about fellow police officers, degrading or talking about, to the public, the city administration, the mayor, and the chief of police. I denied the accusation. I told them of one statement I had made to a police captain about a man on his relief from information that I had received at the time I was on the vice squad, also certain statements that Lieutenant Bolesta had made about men on the police department at the time I was on the vice squad. Well, he just out and out fired me right there.

MR. RICE. You were fired?

Lieutenant MARVIN. Yes, sir; I was fired.

He listed in the letter that he sent out to me, firing me, making it official, that I had made scurrilous and scandalous remarks about fellow police officers, that I also had run down the city administration, insubordination—I don't know where he got all of his information. I don't even know where he got the insubordination, other than the fact that I told him that Lieutenant Bolesta had made certain remarks about police officers.

MR. RICE. What do you feel was the real reason for your being fired?

Lieutenant MARVIN. Well, I don't believe what he said was the real reason. The only reason I have to believe was because of things that I knew or had learned at the time I was on the vice squad. I know this: That I tried to get a job in the city of Tampa, and I was told by people who should know, people who were trying to get me placed in a job, that Chief Beasley had put the kibosh on two very good jobs: that I was supposed to have gotten, and each time these people would call the police department Chief Beasley would stop the job. Of course, a few days after I was fired from the police department I got my orders to report to the Air Force.

MR. RICE. Where you now are?

Lieutenant MARVIN. Yes.

MR. RICE. After the Toledo incident what became of Denning?

Lieutenant MARVIN. Denning was sent right back to uniform. He wasn't told why. As far as I know, he still doesn't know why, for an official reason. Of course, he believes the same as I believe. I think he does. Now, I can't speak for him, but I imagine he believes the same as I do—that we were both sent back because of the Toledo case. Approximately 5 days after we were transferred from the vice squad, all gambling operations in the city of Tampa opened up wide open again. We heard rumors to the effect that that was going to happen prior to our arrest of George Toledo and it did happen.

MR. RICE. Do you know anything about how it was arranged to open the city again?

Lieutenant MARVIN. Only what talk I heard on the street—rumor. It was talked that Chief Eddings and Sheriff Culbreath couldn't get together on who was to be the head of the gambling syndicate. It seems as though Chief Eddings wanted one man and Sheriff Culbreath wanted another. They finally did get together, and the talk said that the elections were quite close and they would need the money. The information that I heard or the talk that I heard, or did hear at that time, was that Santo Trafficante, Jr., would head the syndicate, with George Toledo and Angel Daniels as his assistants in the syndicate.

Mr. RICE. Now then, that brings us up to the question of the Mafia. We would be interested in hearing what you have to say about your observations of the Mafia and of the syndicate.

Lieutenant MARVIN. That is something you just don't hear much about. I have heard, and I imagine many other people in Tampa have heard, that there is such a thing here. In working with the Latin people in the city of Tampa I have heard them talk of it, speak of it, also the fact that Santo Trafficante, Sr., has supposedly or allegedly been the head of the Mafia in Tampa for the past 20 years.

Mr. RICE. Who are some of the other members?

Lieutenant MARVIN. I do not know.

Mr. RICE. How many would you say were on the board of directors, so to speak?

Lieutenant MARVIN. I have no idea about that at all.

Mr. RICE. Do you have any information as a police officer as to how they take care of their troubles?

Lieutenant MARVIN. Well, only what I have heard—hearsay. Of course, it is talked that these murders that we have had in Tampa here were Mafia murders, due to the fact that shotguns were used and that the Mafia used shotguns. That is just hearsay talk, talk I have heard on the street, and that's all.

Mr. RICE. Do you believe it? State your own opinion?

Lieutenant MARVIN. Well, it has gone on for years, and you almost have to believe it.

Senator HUNT. Lieutenant, you spoke of Sergeant Busbee suggesting to you not to hit certain law violators hard. Now, will you expand on that some? Did he tell you not to bother them at all, tell you to arrest them and let them off easy, or what were your instructions?

Lieutenant MARVIN. No, nothing explicit like that. He just put it in such a way—"Just take it easy on them." In other words, "do not make too many cases against them. Go ahead and arrest them, but not in the great numbers that we have been arresting them in."

Mr. RICE. How many did that list include, Lieutenant?

Lieutenant MARVIN. Well, that I can't really say. Now, those lists you have there in handwriting on the small pieces of paper cover a majority of them. Of course, we would go out and find a couple of new ones and we would be told that they belonged to Flocco or belonged to this one or that one.

Senator HUNT. You were instructed and given specific addresses and names of places where you should raid?

Lieutenant MARVIN. Yes, sir; that is true.

Senator HUNT. Were you not?

Lieutenant MARVIN. Yes. In fact, that happened about every other day. We were working in crews of 2 men to a car. We had, I believe, 5 cars at that time, 10 men, and each car every few days or so would receive a list from Chief Eddings, and we were not supposed to let the men in the other cars know what names we had on our list.

Senator HUNT. Now, this list that I have in my hand here, had those people been paying protection money?

Lieutenant MARVIN. That I can't say. I do not know. I know that many of these places, we made cases against them. Those checked off there are one we knew to belong to banker Primo Lazzara. Many of them we made cases against.

Senator HUNT. Now, will you tell the committee the division or demarcation of authority as between the sheriff and the chief of police? Did their duties overlap? Did they work together on cases?

Lieutenant MARVIN. No, sir. I have never known them to work together on anything except possibly Jimmy Velasco's murder and Officer Morris Lopez' murder. It is very seldom that you see the sheriff's office working with the city police. They do not cooperate too well—in my experience, they have not in the past.

Senator HUNT. You are familiar with the great number of gang killings here in Tampa down through the years in which there have been generally no arrests and I believe no convictions at all. Do you think a very definite effort was made to ascertain the killers?

Lieutenant MARVIN. Well, not being in on all of those investigations in these recent murders, I don't know just what or how serious an investigation was made. I know for the first 3 weeks after Officer Lopez was killed there was a very serious investigation under way. It just seemed to kind of die out.

Senator HUNT. How do you account for that?

Lieutenant MARVIN. Well, I don't know how to account for it.

Senator HUNT. Now, returning to these four names again on this list.

Lieutenant MARVIN. Yes, sir.

Senator HUNT. Where were you asked to take care of those four names, those four people?

Lieutenant MARVIN. I don't know, sir. This list was given to me by Chief Eddings. He said, "I want these people caught." We had nothing to do but go out and catch them. Those are the four names Chief Eddings gave to us the morning after or two mornings after we made the Toledo case. Chief Beasley brought that up the day he fired me. These four names we were given, and the chief told us, he said, "You have 24 hours to catch them or else." Well, they had never been caught before, and, of course, Officer Denning and I didn't know about—at least we didn't know their locations, how they were operating. Even so, we had two of them within 3 hours and we got the third one the next morning. The fourth one we never did catch.

Mr. RICE. Tell us, Lieutenant, about how the moonshine-protection pay-off operated?

Lieutenant MARVIN. Officer Denning and myself were put on a moonshine detail only. In other words, our job was to stop all sale and use of moonshine in the city of Tampa. We were told by Chief Eddings that it was the mayor's order that it was to be stamped out and stamped out completely; that the people who pay fees for liquor licenses were complaining quite bad.

Mr. RICE. The liquor licensees?

Lieutenant MARVIN. They were complaining. It was hurting their business. The moonshine got to such a point that it was hurting their business.

Mr. RICE. Yes.

Lieutenant MARVIN. Officer Denning and I started out. We came into one place of business down here in what they call the scrubs. That is the Negro district in downtown Tampa on Central Avenue. We walked in an alley that the Negroes call Moonshine Alley and there was a Negro standing there in plain sight of everybody with a 5-gallon

jug of moonshine pouring it out into gallon jugs. Naturally we made a case right there and found out that it was operated by one Negro by the name of Cliff Matthews. Before we finished we were putting in four or five moonshiners a day—putting that many in jail. Of course that didn't last very long. They soon closed up. Some of them did complain when we would make an arrest and say "We just paid off last week or two weeks ago. We are not due for another 2½ months yet."

Mr. RICE. What did they mean by that?

Lieutenant MARVIN. Well, the way they explained it to us Lieutenant Bolesta had been handling all the moonshine.

Mr. RICE. Yes.

Lieutenant MARVIN. On the city vice squad. He would let them operate and every 3 months he would collect \$100 from them.

Mr. RICE. From each?

Lieutenant MARVIN. From each moonshine operator of which we found approximately 100. This one Negro, Thomas Tillman by name, said he had just paid off—he had just carried it over to Lieutenant Bolesta's house and given it to him. We still put him in jail, and we checked the docket to see if the case had been made. And Lieutenant Bolesta had been trying to get me fired for some time for some reason—I guess because of moonshine, and we turned the information over to the chief of police. The fact that this Negro had complained that he had receipt for \$100 that he had paid Lieutenant Bolesta.

Mr. RICE. Did you see the receipt?

Lieutenant MARVIN. Yes. It was on a traffic ticket. It was on a carbon copy of a traffic ticket.

Mr. RICE. What did it say?

Lieutenant MARVIN. It gave the name and address and bond accepted, \$100.

Mr. RICE. It was your impression that rather than being a receipt it was a permit to operate and showed that he had paid it?

Lieutenant MARVIN. I couldn't call it a permit to operate, no. I am just saying that it was a receipt for \$100 that the Negro had paid Lieutenant Bolesta.

Mr. RICE. But it wasn't on any traffic offense?

Lieutenant MARVIN. No, it wasn't on any traffic offense. It didn't refer to an offense there. It just listed the fact that the Negro had paid \$100.

Mr. RICE. And the Negro said he paid \$100 to Lieutenant Bolesta?

Lieutenant MARVIN. Carried it to him at his house. We checked the docket on that. It was not on the docket. We gave the information to Chief Eddings and that is the last we ever heard of it.

Mr. RICE. You say you checked the docket. What is that particular docket?

Lieutenant MARVIN. We checked the docket to see if a case had been entered on the docket against this Negro.

Mr. RICE. This is a traffic case?

Lieutenant MARVIN. No, a moonshine case. Untaxed liquor. It is not on the docket.

Mr. RICE. You are not speaking of the case you made. This is the other one?

Lieutenant MARVIN. I am speaking of the case that this man said that he gave Lieutenant Bolesta \$100.

Mr. RICE. What became of the case you made?

Lieutenant MARVIN. He was fined \$100.

Mr. RICE. And he complained vigorously?

Lieutenant MARVIN. No, he didn't complain. He just didn't say anything. He just walked out and started selling moonshine again.

Mr. RICE. Did you learn how they handled the constable situation like that?

Lieutenant MARVIN. There was one Negro woman down in the scrub that contended that things were getting so bad that she was paying out so much money she was going to have to quit—with the city taking \$100 every 3 months and the constable taking \$50 a month and the sheriff taking \$150 every 2 months, she said "I just can't afford to operate like that."

Senator HUNT. Lieutenant, I should like to say to you that the committee is deeply grateful for the forthright way in which you have volunteered to come before the committee and give the testimony that you have given. I should like to say that I am sure the committee regrets that possibly the whole police force is not constituted of men of your type and honesty.

Lieutenant MARVIN. Thank you, sir.

Senator HUNT. I hold in my hand 4 slips with approximately 45 names placed thereon, partly in ink and partly in pencil, and one larger sheet of paper with approximately 25 typewritten names and addresses. These will be entered in the record as exhibit No. 10.

(Exhibit No. 10 has been turned over to the grand jury now investigating the situation in Tampa.)

This being an open hearing, I think it is appropriate for me to say that this evening we received word that Anthony Accardo, a witness whom the committee has sought since last August, surrendered to a Federal marshal in Chicago today. Now this brings the list of the committee's missing witnesses down to 6, exclusive of 7 residents of Tampa who have not made themselves available to our service. Accardo carries a very high rank in the underworld and the fact that he has recognized that sooner or later the committee would find him and compel him to testify should be further proof to the Trafficantes, father and son, and the Decidue brothers, that this committee means business and our search for them is going to be endless. While no date for hearing Accardo's testimony has been set, I think it is probable that he will be heard in Washington. I make this announcement for the benefit of the press and the radio and before we leave I will attempt to get further information with reference to when Accardo will be heard in Washington.

TESTIMONY OF TONY LICATA, TAMPA, FLA.

Senator HUNT. Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LICATA. I do.

Mr. RICE. Will you give your name and address to the reporter?

Mr. LICATA. Tony Licata, 1810 Mitchell Street.

Mr. RICE. What do you do?

Mr. LICATA. Run a restaurant.

Mr. RICE. What is the name of the restaurant?

Mr. LICATA. The Sea Breeze.

Mr. RICE. That is located here in Tampa?

Mr. LICATA. The Twenty-second Street Causeway.

Mr. RICE. Now, going back several years ago, Mr. Licata, will you tell what you were doing with respect to bolita operations?

Mr. LICATA. Well, I started in just to help a friend out, just being a nice fellow, minding my own business. I had a nice legitimate business, a restaurant business. That was during the war. So a friend of mine owned a little place of business on Seventh Avenue called the Pelican Bar. He was a friend of mine and a very good customer, so he would ask me for a hundred or two or three or five hundred, to loan it to him until he could get on his feet. I don't know, he was in a little tight shape, you know. So I loaned it to him. And he was a friend of mine at the same time. So I didn't worry about it too much. So he gets a liquor license. He makes a petition out for a liquor license, and it took him a couple of years to get it, on account of the city wasn't permitting any more licenses out or permitting them to have any more—the small places anyway, so he got a license and had a partner, and he had trouble with his partner—some Anglosac fellow—an American fellow—and he has trouble, and he runs to me and tells me about his trouble. That he either has to buy out or sell out. So, I told him "Go ahead and buy him out." And I said, "You go ahead and run it and we will be partners." So I gave him a check for \$3,000 and he went around the next morning and straightened the papers out with his partner, buying him out, and it ran to \$5,600, the whole place. They took an inventory and everything. So, he returned to me \$200 of the \$3,000 that I had loaned him. So I never was there, because I had enough business of my own taking care of this other little place. This was just a hole in the wall with a liquor license.

Mr. RICE. Go ahead about the bolita.

Mr. LICATA. The action of it?

Mr. RICE. Yes.

Mr. LICATA. So anyway, he was in bolita, and he said, "Do you want to go in with me?" I said, "No, I haven't got time to bother with it." And I said, "Furthermore, I don't want any bolita sold here." He said, "Well, there won't be any bolita sold here. If you don't want it we won't sell it." So he stopped for 3 or 4 days and started a week later. I found out he was selling. I said, "Listen. I don't want any bolita sold here. If you sell, if you go ahead they are going to send you up, and I don't want any part of it." He said, "O. K. It's my risk." And Sheriff Culbreath and his deputies arrested him and gave him a year and a day.

Mr. RICE. What was that for?

Mr. LICATA. For bolita.

Mr. RICE. When was this?

Mr. LICATA. It must have been while he was up in 1947 sometime.

Mr. RICE. What was his name?

Mr. LICATA. Nelson Clice.

Mr. RICE. Were you ever arrested?

Mr. LICATA. No, sir.

Mr. RICE. Never been arrested at all?

Mr. LICATA. No, sir.

And so he went up and the State had given him a padlock, and I was still a partner in the business and because of him being arrested

I was losing money, so I went up to see the beverage department for permission, and said I didn't have anything to do with it and I had my money in it. He said "All right. You will either have to buy out or sell out." So I gave this partner of mine the same proposition, to buy out or sell out. He said "I can't buy you out because I have to serve a year." So I bought him out. So just before that time we had gotten two partners to come in the place to bank bolita. This partner of mine—I didn't know anything about it till he showed up with two partners, I believe, and he said that the county solicitor—not the county solicitor—yes, it was Cobbey, the county solicitor, had put these two fellows in there to operate this bolita. Jimmy Velasco then brought these two fellows over and said they have got to operate here and be your partners.

Mr. RICE. He told that to you?

Mr. LICATA. He told that to me and this partner of mine. He said, "O. K." So I was there with him.

Mr. RICE. You were in business then?

Mr. LICATA. That's right. So they operated and we lost, I will say I lost about \$4,000 in numbers that hit, so I gave him the money and they had gotten about even, and it was about 3 or 4 months—

Mr. RICE. During the time you were with Jimmy, how was your protection taken care of?

Mr. LICATA. I never paid any protection that I know of.

Mr. RICE. Who took care of that?

Mr. LICATA. There was nothing to pay. I didn't pay any protection.

Mr. RICE. How about Jimmy?

Mr. LICATA. Jimmy, I don't know how he did.

Mr. RICE. Did he tell you he was taking care of that?

Mr. LICATA. He said he was taking care of everything. "Don't worry about this thing. I will take care of that."

Mr. RICE. He just told you not to worry?

Mr. LICATA. Yes.

Mr. RICE. Did he say who he was taking care of or did you know?

Mr. LICATA. No; only that Cobbey was the man.

Mr. RICE. He was the boss?

Mr. LICATA. He was the boss, and we had to do a little something. And it was a very skimpy business. It wasn't nothing at all. It wasn't worth having with two other partners.

Mr. RICE. Well, now, go ahead.

Mr. LICATA. So anyway, I didn't like the idea. As soon as we got even I said "Boys, you run it to suit your taste. I'm going to take a vacation." So I went off for 2 months and I came back and it was still at a standstill. There was nothing won and nothing lost, I guess. They were paying the fines and forfeiting bonds and everything was a list of what was paid out. So about that time, a very good friend at that time—he was in the Army, and he was going to run for constable.

Mr. RICE. What was his name?

Mr. LICATA. T. L. Hackney, Jr. T. L. Hackney. So he came back from the Army and said, "I am going to run for constable." I said "That is a good idea." I said, "Then maybe you can make a nice officer and some day run for sheriff." So I was operating there at this time when Hackney came back to town after getting out of the Army, and

he goes to Bradenton Beach—Anna Maria, rather, for a rest for 6 months. And on one of those trips down there I tried to get him to run for sheriff.

Mr. RICE. Yes. Of Hillsborough County?

Mr. LICATA. That's right. Instead of running for constable. It wasn't my idea. It was another friend's idea that wanted to get him. I didn't care. I told him either one of those races. Because the sheriff was too big an office for him to grab at that time. I don't know how the information got back, but I had the understanding that it got back to the sheriff's ears.

Mr. RICE. The incumbent sheriff, the sheriff who is in office?

Mr. LICATA. Yes; and these peddlers that we had, we started getting them knocked off for \$500 fines.

Mr. RICE. How many peddlers did you have out?

Mr. LICATA. Oh, I don't know. I had about 16 or 17.

Mr. RICE. Sixteen turning in to your operation?

Mr. LICATA. That's right.

Mr. RICE. They started getting knocked off?

Mr. LICATA. Yes.

Mr. RICE. Who was knocking them off?

Mr. LICATA. The sheriff.

Mr. RICE. What time of year was this?

Mr. LICATA. It was in 1947 sometime. I don't know.

Mr. RICE. During 1947?

Mr. LICATA. Yes, during 1947.

Mr. RICE. When you say the sheriff was knocking them off—

Mr. LICATA. I say his chief deputy then, Brooker—he was chief vice man, or whatever you call him, of the vice squad. He started bumping one or two a week off for \$500, because he had an impression that I went down to Bradenton to talk to Hackney, which wasn't true. I did go down there, but I didn't try to get him to run for sheriff at all. It was all a misunderstanding.

Mr. RICE. If there hadn't been any misunderstanding would your peddlers have been permitted to operate, in your opinion?

Mr. LICATA. In my opinion, they would have, because they never bothered nobody or muscled into nobody's business.

Mr. RICE. You say you what?

Mr. LICATA. I said I never muscled into nobody's business. I didn't even see anything about the operations. I was their partner, yes. Then I was sole owner of the place, which was transferred to the name of the Manelli Bar.

Mr. RICE. Did you feel that anyone was muscling in on your business?

Mr. LICATA. No. I mean prior to that time I had been to Bradenton to see Hackney.

Mr. RICE. But when your peddlers started to get hit, were you being muscled then?

Mr. LICATA. No.

Mr. RICE. What was happening?

Mr. LICATA. We sent for Jimmy Velasco right away and he kind of quieted it down.

Mr. RICE. What did he do?

Mr. LICATA. He just took the pressure off.

Mr. RICE. How did he do it?

Mr. LICATA. That I couldn't answer.

Mr. RICE. What did he say he did?

Mr. LICATA. Talked to the man.

Mr. RICE. The man?

Mr. LICATA. Yes.

Mr. RICE. Name him.

Mr. LICATA. He didn't say.

Mr. RICE. What?

Mr. LICATA. He didn't say.

Mr. RICE. He didn't say who "the man" was?

Mr. LICATA. No.

Mr. RICE. Do you know who the man is?

Mr. LICATA. Well, I have an idea, but I couldn't swear to it.

Mr. RICE. What idea do you have?

Mr. LICATA. Sheriff Culbreath.

Mr. RICE. He talked to "the man" and what happened next?

Mr. LICATA. Well, everything quieted down.

Mr. RICE. Everything quieted down?

Mr. LICATA. Yes.

Mr. RICE. Smoothed over?

Mr. LICATA. Yes.

Mr. RICE. Did you continue with Hackney?

Mr. LICATA. I certainly did.

Mr. RICE. What did you do?

Mr. LICATA. What did I do?

Mr. RICE. Yes?

Mr. LICATA. I went busted with him.

Mr. RICE. How much?

Mr. LICATA. It's pretty hard to tell; between twenty and twenty-five thousand.

Mr. RICE. You turned over to him twenty to twenty-five thousand dollars?

Mr. LICATA. No; I didn't turn it over to him. I spent that much electing him.

Mr. RICE. You spent it on his campaign.

Mr. LICATA. Yes.

Mr. RICE. You were backing him?

Mr. LICATA. Yes. I was his god then; I am his enemy today.

Mr. RICE. What were the expenditures for?

Mr. LICATA. Well, the boys working the streets, gasoline, about \$3,500 worth of radio, the Tribune, advertisements, and eight or nine hundred or a thousand, maybe, of placards, cards, hand cards, and what have you; about \$3,500 worth of gasoline bills, repairs, painting of automobiles, repainting of automobiles, giving them a free paint job if they put this sign on there.

Mr. RICE. The Hackney sign?

Mr. LICATA. That is right. There were 32 cars painted. This town was infested with Hackney signs all over. They thought he was running for governor or something.

Mr. RICE. You say this town was infested with them?

Mr. LICATA. Yes.

Mr. RICE. While you were backing Hackney, did you have an understanding with him about what the arrangements were to be if and when he was elected?

Mr. LICATA. That's right.

Mr. RICE. What's that?

Mr. LICATA. "Well, brother," he says, "we're going to win." I said, "Yes, but if we do we got to work mighty hard." He says, "You see this little stockroom?" This was in my liquor stockroom, a pretty big place. He says, "You and I are going to sit up here and eat chicken and divide." I said, "That's nice. But let's get elected first." So—

Mr. RICE. What did he mean about this dividing? Who was going to divide?

Mr. LICATA. I don't know. He probably meant he would give me half and half; that he would give me the rabbit end and he would take the horse, I guess. I don't know.

Mr. RICE. Do you know what the constable's salary is?

Mr. LICATA. Yes, sir; it's \$7,500 a year.

Mr. RICE. He wasn't going to divide that with you, was he?

Mr. LICATA. Well, no. He said if he didn't make a dime that he would keep most of that and have, 4 years from now—from then. That was 1948, and it would be 1952—to run for sheriff then. He says, "If they don't cooperate with me we will close this town." He says, "There won't be anybody to operate." I said, "Well, you will have \$30,000 more than I will." He says, "Yes, and we will keep that, too, to beat Culbreath next time." So it didn't work so hot.

Mr. RICE. Now, was anything said about how he would operate or how you would both operate after he got in, how you would control the situation to protect your investment?

Mr. LICATA. Yes. Before getting in office he kept telling me, "They want to deal with us now. Should I deal?"

Mr. RICE. Who is "they"?

Mr. LICATA. I imagine it was the city and county.

Mr. RICE. Wanted to deal with—

Mr. LICATA. With the constable.

Mr. RICE. Before he was elected?

Mr. LICATA. That's right.

Mr. RICE. When?

Mr. LICATA. In other words, he told me that the sheriff and Eddings were getting together and deciding on what was going to happen. I said, "Well, you know more about that than I do." I says, "You can talk about that and see what you are going to do." So about a year ago—

Mr. RICE. What was to be your job after he got in office? What were you to do?

Mr. LICATA. I don't know. He said I was going to make the money, but I haven't made it yet. He said we were going to divide.

Mr. RICE. Well, did he say you were going to be his boy?

Mr. LICATA. Yes; I was going to be his boy and they would have to see Papa Tony.

Mr. RICE. After he got in they were going to have to see Papa Tony?

Mr. LICATA. Yes.

Mr. RICE. Meaning you?

Mr. LICATA. That's right.

Mr. RICE. In other words, you would be the collector?

Mr. LICATA. That's right.

Mr. RICE. The banker?

Mr. LICATA. That's right.

Mr. RICE. In furtherance of that scheme, did you do any research about finding out whom you were going to collect from, or did you already know?

Mr. LICATA. Well, that is very easy to find out once you are an officer. At least, I could find out if I was a law-enforcement officer.

Mr. RICE. Why is it easy? Do they keep lists?

Mr. LICATA. I imagine they do; yes.

Mr. RICE. Don't you know?

Mr. LICATA. Yes, I do. Yes.

Mr. RICE. What—

Mr. LICATA. Let me get up closer to that.

Mr. RICE. All right.

Mr. LICATA. Before he took office 2 years ago will be the third of this coming year, will be 2 years—well, about 2 years, about this time—no, a little earlier—yes, about this time—he says, "Well, they want to deal with me." I says, "Who wants to deal with you?" He says, "Jimmy Lumia and Tony Gonzales was the one in between, carrying the bag for both of them, see." He says, "Let's get out of town." I says, "You mean you want to go out of town?" He says, "Yes." I says, "You don't want to deal with them now?" He says, "No." Well, then it was rumored that he was scared to do any dealing; there was so much rumor of the Governor removing the sheriff, and anything was going to happen. He thought he could be appointed the sheriff then.

Mr. RICE. Velasco had just been killed?

Mr. LICATA. Killed, that's right. It was after Velasco got killed. Velasco has been dead 2 years ago on the 12th of this month.

Mr. RICE. In December of 1948?

Mr. LICATA. That's right.

Mr. RICE. Now, you are talking about what part of December 1948?

Mr. LICATA. It was between the 26th and 27th, about this time.

Mr. RICE. Right around this time?

Mr. LICATA. That's right.

Mr. RICE. In 1948?

Mr. LICATA. That's right, 1948.

Mr. RICE. Go ahead.

Mr. LICATA. He says, "Let's take a trip to Miami." I said, "Let's go." So we packed up the next morning and left.

Mr. RICE. This trip was taken to get away from dealing with Lumia?

Mr. LICATA. That's right; and Lumia had given him \$4,000, see, for his campaign, and he kept telling me that was just insurance money, "That don't mean anything."

Mr. RICE. Lumia told you that?

Mr. LICATA. No, Hackney. The reason he took it—I said I didn't want him to get no money from nobody. He says, "We will only take it for insurance," and he kept it. He gave him two one time and two later, after the first primary. He didn't give him a nickel before the first primary. After the first primary, after he had beat the incumbent by 3,500 votes, then is when he decided to get a couple of measly hundred thousand dollars. He got four thousand, two and two.

Mr. RICE. What did he do with that money?

MR. LICATA. He pocketed it, I guess, because he didn't spend a dime. He said it with his own mouth. I've got witnesses to prove that he got it. So we go to Miami. In Miami we go down Biscayne and he sees a sign, "Cuba." He says, "Do you want to go to Cuba?" I says, "It's not a bad idea." So we get on a plane the next morning and hop down to Cuba, and we was in Cuba New Year's night, having a big time. So we get back the next day to Miami, and we get back here on the second.

MR. RICE. Did you have any conversations down there?

MR. LICATA. Yes, yes; a lot of them.

MR. RICE. What about?

MR. LICATA. Oh man, you make me feel like I'm in heaven now.

[Laughter.]

SENATOR HUNT. This is an open meeting, and the chairman certainly has no desire to change it to an executive session, but unless we can have order in the room it will be necessary to do so, so the Chair does not want to hear any more outbursts following any statement by the witness.

MR. RICE. What conversation did you have down there on this trip with Hackney?

MR. LICATA. Oh, my God. I can't think of half of them.

MR. RICE. Well, some of them.

MR. LICATA. Some of them? Well, it was all about me—"you're going to take care of this little deal, and you are going to take care of that little deal, and you are going to take care of the other," and "You and I are going to divide at the end of the week." That was all his talk. He smelled like a rat then, see, which he is, because anybody that does the way he does has no mercy for anybody.

So, anyway, we get back, and we got back the night just before the morning of the 3d. We got in about 11:30 that night, and the next morning with the 3d, see. So the 4th he takes office. He takes office, and I go up to congratulate him, and everything is fine and lovely. Well, we got the office, we are in. We will take care of the deal a little bit later on. Him and I was in his private office. I says, "O. K." He was busy, and I says, "I will leave you alone. You go ahead and greet the people and I will see you tomorrow." I go back tomorrow and he calls me aside and says, "Listen. Don't you think that if we want to talk about anything I should come out to your place and go in the private room, and we will talk, but it don't look right for you to come in my office like this: and, you know, you being my right-hand man, and everybody knows you elected me, people are going to get fishy." I says, "O. K. I just won't come up here no more. Any time I want to see you I'll call you or you call me and arrange it. He says, "O. K." So about a week later he calls me and says, "I want to see you at my house about 7:30."

So I go in there, and he had his brother there that was waiting for him, and a friend of his that he double-crossed, too, and he calls me and he says, "Look," he says, "I don't know—this is a hard situation." He says, "It's funny." He says, "We don't know what's going to happen, see," and with my lack of experience, because I have never been in anything like that, I thought, what was it? I says, "What do you mean?" He says, "What do you think of handling about \$15,000 a week?" I said, "What are you talking about?" He said, "How

would you consider that much?" I said, "Have you had any deals?" He said, "No, no, no, no, no; I haven't had any dealings." He said, "What do you think of that amount?" I said, "Personally, for myself, it is more than enough. It's just right." I says, "But what about all these boys I got in the street that I am obligated to and you are, too? What are you going to tell them—kick them in the shoes and let them go?" So he says, "Well, we'll see about it." I says, "You think it over." I says, "I don't care so much about myself. I am thinking of you and myself in the future, of working up an organization and letting the boys make a living. I don't have to make a living; I've got my business." I says, "You make \$7,500 a year, and you can live well on that." He says, "That's right."

So after I got out of there I started thinking, "That guy has made a deal somewhere, and he comes to me with this skimpy offer." So I says, "I would just like to see what's going on," so I called him one day and he had an excuse, he couldn't come out to see me. In the meantime, a friend of mine give me some information that he had been out to the Sulphur Springs dog track and had collected \$300 from a friend out there, from a bookie, rather. I don't know who the bookie is, but he had collected \$300, and it came to my ears from a pretty good source that he had got \$300 from the bookie.

Mr. RICE. That he had shaken him down for \$300?

Mr. LICATA. That's right, that he had shaken him down for \$300. So I called him and he denied it. He denies it and starts getting away from me, see, and he makes a couple of remarks about his brother's furniture store.

Then he makes a couple of remarks in his brother's furniture store, Hackney's furniture store on North Franklin, that Tony was a good boy, he started telling a cousin of mine, but he had big ideas and wanted to control the whole town like Red Italiano and with two pistols in his pocket. I never said anything like that in my life, coming out of his mouth, things that he said that I was supposed to say; and there comes the confliction there, and I started to say a couple of things about him. I kept calling him and he wouldn't come out to see me, so I went up to see him in the Knight & Wall Building, and he tells me that the sheriff don't want me to operate, you are definitely out. He said the sheriff does not want you to operate and I said "Why," and he said, because you have been cussing the sheriff.

Mr. RICE. Because you have been what?

Mr. LICATA. Been cussing the sheriff. I said "The reason I was cussing him was on account of you." I said I was a friend of the sheriff, the sheriff should be cussing me, I should not be cussing the sheriff, and you are the dog that is talking about that the sheriff now, that he doesn't like me, what kind of a deal is this. He said, "Oh, you have been cursing me too and you can't operate any more." "You mean to say I have finished?" "Yes, you have finished." So I walked out.

Mr. RICE. Do you feel that you were double-crossed?

Mr. LICATA. Do I feel like I have been double-crossed? Are you kidding? Certainly I do. In fact, I know I have been double-crossed. Not only I, but three-fourths of the town knows it too.

Mr. RICE. Now, then, what became of you after that? You continued to run your restaurant?

Mr. LICATA. My restaurant, that is right.

Mr. RICE. You got out of the—

Mr. LICATA. I have been out a way before 1948, 1947 sometime.

Mr. RICE. What has Hackney done?

Mr. LICATA. What has Hackney done?

Mr. RICE. Yes.

Mr. LICATA. Well, before that time he collected any petty stuff he could get hold of on little moonshine deals and little skin games here and there, and some petty stuff. The store I had, I sold the business to my brother-in-law, this is another bar, and it is in the colored section on Twenty-seventh and Seventh, and down north from there in the colored section there that sells moonshine and stuff in these private little houses, and I told him about it when he first took office, to knock them off, it was hurting my business, I had a legitimate whisky business; and he said, O. K., give me the list of names and everything, and I gave him the names of who they were and so then, like a smart operator, he gets the name and he knocked them off one time to show them that he was the constable and then from there on he wanted to collect from them and never arrested them any more that I know of.

Mr. RICE. Where did this come from, this was a moonshine list?

Mr. LICATA. Yes, this was a moonshine list.

Mr. RICE. Did you do any business on a gambling list?

Mr. LICATA. I gave him a list when he took office.

Mr. RICE. You gave him a list?

Mr. LICATA. Yes, sir.

Mr. RICE. When he took office?

Mr. LICATA. That is right, right after he took office.

Mr. RICE. You had come into possession of a list?

Mr. LICATA. That is right.

Mr. RICE. And what did the list represent?

Mr. LICATA. Every bolita peddler in Tampa in Hillsborough County.

Mr. RICE. Every bolita peddler in Hillsborough County. And whose list was it supposed to be?

Mr. LICATA. It was the same list, I think that, or it sounded like the list that this lieutenant just testified about here.

Mr. RICE. The vice squad list?

Mr. LICATA. That is right. I gave him one and gave his brother one, the deputy.

Mr. RICE. I show you a list and ask you if you recognize it?

Mr. LICATA. That is the copy what I gave him.

Mr. RICE. That is the copy of what you gave him?

Mr. LICATA. Gave you—gave him, rather.

Mr. RICE. That is the copy of the list that you gave to Hackney?

Mr. LICATA. That is right.

Mr. RICE. And in connection with that list what were you supposed to do and what was he supposed to do?

Mr. LICATA. What was he supposed to do?

Mr. RICE. This was a master list.

Mr. LICATA. That is right, that I gave Hackney.

Mr. RICE. And these were the people that were to contribute to protection?

Mr. LICATA. That is right.

Mr. RICE. Explain that and read some of the headings off and some of the names so we can know what that is.

Mr. LICATA. Well, that Anderson B. is for Black, 3801 Twenty-Ninth Street. There is a list here.

Mr. RICE. What does that mean?

Mr. LICATA. He is a bolita peddler in the street and colored, and he lives at that address.

Mr. RICE. What is the reason for that list? Is that the list of the people not to hit or the people to lay off of, or what is your understanding?

Mr. LICATA. Well, that is the list that the city had.

Mr. RICE. That is the list that the city had?

Mr. LICATA. That is right.

Mr. RICE. Read some of the headings there on that, read some of the other headings on that.

Mr. LICATA. Peach Bar, Jimmie's Grocery, Anderson's Place. That was a banker. That is a pick-up place.

Mr. RICE. This was a banker?

Mr. LICATA. That is right.

Mr. RICE. Who was the banker on the Peach Bar?

Mr. LICATA. I don't know who was the banker. I know they checked in there and this is the list what I got.

Mr. RICE. Who was the boss in that operation?

Mr. LICATA. It has been closed now. It was then Flocco.

Mr. RICE. What is his right name?

Mr. LICATA. Armando.

Mr. RICE. These names and addresses that appear after the Peach Bar, why are they broken down that way?

Mr. LICATA. Well, I imagine it was an outlaw seller, and his name was not on the list, and they would pick him up, being as they had a list, they would not pick him up, would not pinch him, he belongs to somebody.

Mr. RICE. He belongs to the syndicate?

Mr. LICATA. That is right.

Mr. RICE. You have a heading here "Angel Daniels" and a number of people after that, what does that mean?

Mr. LICATA. Well, it means that these writers turn over to him.

Mr. RICE. Angel Daniels?

Mr. LICATA. That is right.

Mr. RICE. This is his organization?

Mr. LICATA. That is right.

Mr. RICE. Trafficante?

Mr. LICATA. The same way, I guess.

Mr. RICE. The same thing. Is there any distinction between Trafficante, Sr., and Trafficante, Jr.?

Mr. LICATA. I don't know, father and son, I guess.

Mr. RICE. Fucarrato?

Mr. LICATA. The same thing?

Mr. RICE. Where it says Primo?

Mr. LICATA. That is the way I got it. I don't know. I imagine it is Primo Lazzara.

Mr. RICE. Jimmie Velasco, that is his organization?

Mr. LICATA. That is right.

Mr. RICE. Scaglione?

Mr. LICATA. That is right.

Mr. RICE. The Peach House?

Mr. LICATA. That is right.

Mr. RICE. Is that the same as the Peach Bar?

Mr. LICATA. That is right. The Peach House and Peach Bar and
a few more.

Mr. RICE. There were others?

Mr. LICATA. No.

Mr. RICE. That is the complete list?

Mr. LICATA. That is the complete list that I had.

Mr. RICE. That is what you were able to get?

Mr. LICATA. That is right.

Mr. RICE. We offer that list as an exhibit.

(Exhibit No. 11 has been turned over to the grand jury in Tampa,
Fla.)

Mr. RICE. Was your house searched on one occasion?

Mr. LICATA. Yes; it was. That was about 3 or 4 weeks, I imagine.

Mr. RICE. What was the reason for that?

Mr. LICATA. I don't know, but it must have been rats, whoever it
was, because they really tore that house up.

Mr. RICE. Did you ever indicate that you had anything in your
house that would be worth while?

Mr. LICATA. Hackney knew I had this list.

Mr. RICE. Hackney knew you had this list.

Mr. LICATA. Yes; because I had given him a copy.

Mr. RICE. And he knew you had a copy?

Mr. LICATA. That is right.

Mr. RICE. And what happened?

Mr. LICATA. Well, they just searched the house from head to foot.

I mean they tore the whole thing completely up.

Mr. RICE. Where were you?

Mr. LICATA. I was trying to prepare our business to open up. I
think it was a couple of days before Thanksgiving. I don't know the
date exactly, and I was out there fixing, preparing the food and fixing
the shelves, and putting everything in this place at the Seabreeze, and
my mother gets home about 9 o'clock or 10. 9, I think, and evidently,
whoever was in the house must have saw her come in, or was watching
her when she got out of the car in front of the house, and it was still
dark, and she went in and she saw the house when she walked in all
torn up.

Mr. RICE. Was the house broken into?

Mr. LICATA. Yes; broke in through the window in the kitchen.

Mr. RICE. Was there anything stolen?

Mr. LICATA. No, sir; there was a radio and a little electric shaving
outfit. They took that and the radio and left it at the far end of the
alley, just dropped it there, and they took that .38 of mine, snub-nosed.

Mr. RICE. And that was gone?

Mr. LICATA. That was gone.

Mr. RICE. Was there anything worth stealing there, money or
jewels?

Mr. LICATA. Well, there was jewels. There must have been a couple of thousand dollars' worth of jewels there, and had a china set there and had a lot of silver that was worth a lot of money, and my sister had some rings there, and she had a couple of hundred dollars in her pocketbook laying on the bed.

Mr. RICE. Her purse was on the bed?

Mr. LICATA. Yes; covered up with a slip or something, and in a drawer she had one of these cans where she was keeping the silver dollars over there, maybe 140 or 150 of them, and they never touched that.

Mr. RICE. None of that money was taken?

Mr. LICATA. None of it was taken. The only thing that was missing was my gun and maybe about \$15 or \$20 that my mother had in some corner of the door.

Mr. RICE. What was your idea, do you feel that your house was turned upside down and searched with a view to locating the paper?

Mr. LICATA. Well, I will tell you: My brother is married to a man's daughter; his name is John Colusi, that got raided by the sheriff's deputies, about 10 or 15 of them, I don't remember, and they raided this place and got evidence on him, so they say; I don't know how much evidence they got on him, of bolita, and he had a list of telephone numbers, and everybody's telephone numbers in this area have been changed, and we had two telephone numbers at the Seabreeze that were changed; so my sister-in-law's mother, which is the wife to the man that was raided, that owned the house, had this number on the wall there on a slip of paper, and they had the Seabreeze numbers on there; so, after they had that raid, a couple of weeks later, I imagine, it was the telephone man come by and said, "Well, you have until the 23d that your phone will be removed within 3 days." That was on Monday and on Wednesday, it was cut off.

Mr. RICE. The telephone company will cut the service because he was engaged in an illegal activity?

Mr. LICATA. That is right, and that the sheriff had said to cut off my telephone, I think that there was 31 of them.

Mr. RICE. The sheriff had told the telephone company to cut the phones off.

Mr. LICATA. Yes, sir; because my name was on the list.

Mr. RICE. Just because they found your name there?

Mr. LICATA. Yes, sir; that is right and which his daughter's number was on.

Mr. RICE. Just because they found your name there?

Mr. LICATA. The telephone number. Because my name was on this list. And the Seabreeze has never sold anything like that, his deputies knows, he knows and everybody else in Tampa knows that the Seabreeze has never sold no bolita. So I had this list, and I was mad, and I told a couple of guys, I says, if I don't get my telephone back in, somebody is going to get into trouble, I says, I don't care. The next day I had my telephone back.

Mr. RICE. You said someone is going to get in trouble. Did you say anything about the list?

Mr. LICATA. Yes.

Mr. RICE. What did you say?

Mr. LICATA. Yes. I said I had a list of every telephone and every bolita peddler in Tampa.

Mr. RICE. You had a list of everyone? And what were you going to do with it?

Mr. LICATA. I was going to take it over to the grand jury, and to the Railroad Commission, and to the attorney general, or anybody, or to the President of the United States, because I was going to get my phone back. And the next day, I opened up on Thursday, I think, we were all that day, 2 days without a telephone, Wednesday and Thursday it was cut off, and Thanksgiving I think, and Friday I got my phone back.

Mr. RICE. Friday your phone came back on?

Mr. LICATA. Automatically, I don't know. God put it in there.

Mr. RICE. You don't know where it got back from or anything else?

Mr. LICATA. No.

Mr. RICE. What did that have to do with the search of the house; relate that as to the time?

Mr. LICATA. The only thing I could say for the search of the house, seeing there was so much valuable things, a wrist watch that I paid for my sister wholesale \$375, was right on top of the dresser. She had a diamond ring—

Mr. RICE. Was this search of the house around the time that you made this statement that you had a list?

Mr. LICATA. I made it the day before.

Mr. RICE. You made it the day before, and bang, the house was searched?

Mr. LICATA. That is right.

Mr. RICE. Since Hackney has been in office has it come to your attention that he has acquired any property holdings, real estate?

Mr. LICATA. Well, he spent a lot of money in Bradenton Beach.

Mr. RICE. At Bradenton Beach?

Mr. LICATA. I mean Anna Maria.

Mr. RICE. Anna Maria. What is he doing down there?

Mr. LICATA. I don't know exactly, so I have heard, I haven't been down there, that he has remodeled that and fixed it up and spent a lot of money down there. He is building an \$8,000 home here on the river somewhere, at least he has got a permit for \$8,000. God knows what he has put in it.

Mr. RICE. What do you understand the house has actually cost him?

Mr. LICATA. Well, I haven't seen the house. A friend of mine told me, I guess, he put about thirty thousand in it.

Mr. RICE. He put about \$30,000 in it?

Mr. LICATA. Yes.

Mr. RICE. Over in Ybor City, what do they call the Kefauver committee?

Mr. LICATA. Cupo.

Mr. RICE. What is that?

Mr. LICATA. Cupo.

Mr. RICE. What is that?

Mr. LICATA. Who is it, or something.

Mr. RICE. What does it mean?

Mr. LICATA. It is like a slang word, cow's foot, or something like that, or something, cupo is who was it.

Mr. RICE. What is the interpretation?

Mr. LICATA. Well, who was it.

Mr. RICE. Who was it.

Mr. LICATA. Who did it, or who was it.

Mr. RICE. In other words, the search is on?

Mr. LICATA. Yes; that is right. It doesn't mean the search is on. In other words, who ate the little red apple, or something like that, who was it?

Mr. RICE. How do you spell that word, do you know?

Mr. LICATA. You have got me there.

Senator HUNT. Just to clear the record, you do not mean by that statement that anybody has the remotest idea, or you do not believe that the Kefauver committee searched your home?

Mr. LICATA. No, sir.

Mr. RICE. I think you will be excused. Thank you, Mr. Licata.
(Witness excused.)

Senator HUNT. Hugh Culbreath?

TESTIMONY OF HUGH CULBREATH, SHERIFF, HILLSBOROUGH COUNTY, FLA., ACCOMPANIED BY WILLIAM C. PIERCE, ATTORNEY, TAMPA, FLA.

Senator HUNT. Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CULBREATH. I do.

Senator HUNT. Sheriff, we attempted to locate you earlier in the day, approximately 5 o'clock, and you had been advised and directed to be here. Do you have any statement to make as to the fact that you absented yourself?

Mr. CULBREATH. Senator, the only thing that I can say as to my excuse, if you would call it such, as to being absent, is that my subpoena was for 9 o'clock tomorrow morning and somebody called me on the telephone and said they were Mr. George Martin. I didn't know anything about Mr. George Martin, I had never seen him and didn't know him, and I said, "What are you doing, pulling a joke on me?" And he said, "No, this is no joke." "Well," I said, "How do I know it is not?" "Well," he said, "You can call the marshal's office and check on it, and they want you up there at 4 o'clock." I said, "Well, I have made other arrangements for this afternoon, I am planning on being there in the morning, I have some things to take care of and some things I want to do and I haven't had time to do, I haven't gotten in touch with my attorney and don't know whether he can go this afternoon, because I told him it would be tomorrow morning at 9 o'clock." And he said, "Well, you be there." and I said, "Well, what if I am not." And he said, "Well, call and leave a message." So I immediately called Mr. Pierce at his office and he was out and I left a message with his girl to see if she could locate him and I immediately tried to locate him, and I had this other appointment, so I just didn't get here. I am very sorry if I have put the committee out any, but I would have been here tomorrow morning if they had just called me and told me to come without serving a subpoena on me; but the legal way was to serve a subpoena, and being familiar with the service of subpoenas and know that you ought to answer them, and as a rule, a telephone call or even if you see a man and tell him to be

there, sometimes they don't do it. But that is the only reason for me not being here.

Senator HUNT. Sheriff, you have been directed by the subpoena to produce all books, records, files, ledgers, journals, checks, check stubs, canceled checks, bank statements, bank deposits, records, and copies of the United States income-tax returns from and including 1941 to date, regarding your personal employment, business or businesses, partnership, stockholderships and property holdings, both real and personal, directly or indirectly. Do you have those records with you?

Mr. CULBREATH. Yes, as many as I can produce today, or any other time.

Senator HUNT. Will you present them to the committee at this time?

Mr. PIERCE. As attorney for Mr. Culbreath here, my name is William C. Pierce, Tampa, and I have most of those records here.

Senator HUNT. All right. Will you turn them in to the staff, Mr. Pierce? Now, Sheriff, due to the fact that we will want to examine those records over the night, and your subpoena for 9:30 in the morning still holds good, and if it is agreeable to you, instead of making out a new subpoena we will change the time, with a mutual understanding, and will see you at 9 in the morning.

Mr. CULBREATH. If the Senator wishes me to be here at 9 in the morning, I shall be here.

Senator HUNT. Yes; if you will. And that is all of the business we have with you this evening and you will be excused.

Mr. PIERCE. Senator, may I explain what I do have? Here are the copies of the income-tax returns for the years 1944 to 1949, inclusive. I do not have those for the years prior to 1944.

Mr. CULBREATH. Could I see those a minute?

Mr. PIERCE. As for the real-estate holdings and the personal-property holdings, in order to be of every benefit to the committee and its counsel—I beg your pardon—in this first income-tax return, in the folder here, and I only had the folder, and in the folder for the 1944 tax returns, are the copies of the returns for the prior years, for 1941 to 1945, inclusive. They are all here, as called for by the subpoena. Now, in the matter of the realty and personalty holdings, in order to be of every possible benefit to the committee and cooperate as fully as we know how with the committee in correlating all of this stuff, I have made an itemized list of every piece of real estate owned by the sheriff, by Sheriff Culbreath, either in his name individually, or in his name with Mrs. Culbreath, his wife, or in his name with his brother, Ernest, or in his name with his cousin, Harry. One piece of property is not even in his name, and we voluntarily disclose it and disclose his interest in it. It is in Pinellas County.

In addition to that, with reference to each itemized piece of property I have listed not only the complete description of it, although perhaps not as complete as in the deed itself, but enough to give the committee, or anyone else, ample knowledge of the facts, even the plat books and the pages of the deed books and so forth and have given the date of the deeds whereby the sheriff, or those through whom he holds acquired title, the date of the recordation of the deed, the deed book and page number of where that deed is recorded, either in this county or Pinellas, and the consideration paid out for each itemized piece of property, so that the committee can have it. I was working

on that this afternoon when I first heard that there had been some telephone calls to the sheriff with reference to coming over at 4 o'clock, and it was still not completed, and that is why the sheriff could not readily get in touch with me. I also have the deeds in chronological order and attached to each deed is any other data concerning that particular itemized individual piece of property, which is in the sheriff's possession, all attached, and in chronological order—not in chronological order as to time—but in chronological order as they are listed on the statement.

Senator HUNT. Does that complete the exhibits, Mr. Pierce, that you wish to leave?

Mr. PIERCE. I believe so, Senator, that is, those that I have. I might say, Senator—I didn't get to it—on the compilation there, after I exhausted all the realty holdings, I then took up the personalty holdings, or cash deposits, in all banks, I located the banks and gave the approximate amount of the balance on deposit, if I didn't have the exact amount and if I have the exact amount such as in local banks, I gave that as to each bank, all bonds, even a boat, I have a boat listed, with the boat number in which it is registered.

(Records of Sheriff Culbreath were identified as exhibit No. 12, and were later returned to him.)

Senator HUNT. Thank you, Sheriff. We will see you in the morning. The committee meeting is recessed until 9 a. m. on tomorrow.

(Thereupon, the hearing was recessed until 9 a. m., December 30, 1950.)

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE COMMERCE

SATURDAY, DECEMBER 30, 1950

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE,
Tampa, Fla.

The committee, met, pursuant to recess, at 9 a. m., in the United States Courthouse in Tampa, Fla., Senator Lester C. Hunt presiding.

Present: Senator Hunt.

Also present: Downey Rice and Alfred M. Klein, associate counsel; George Martin and Ralph Mills, investigators.

TESTIMONY OF ANTHONY DiLORENZO, TAMPA, FLA.

Senator HUNT. The committee will come to order. Mr. Anthony DiLorenzo, please?

Mr. DiLorenzo, do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DiLORENZO. I do.

Mr. RICE. Will you state your name, Mr. DiLorenzo, and your address?

Mr. DiLORENZO. Anthony DiLorenzo, 1910 Tenth Avenue.

Mr. RICE. What is your occupation?

Mr. DiLORENZO. At present, none.

Mr. RICE. At present, none?

Mr. DiLORENZO. That's right.

Mr. RICE. You are unemployed?

Mr. DiLORENZO. I am working at the Speedway Park.

Mr. RICE. What are you doing at the Speedway Park?

Mr. DiLORENZO. I pick up tickets and watch the money box.

Mr. RICE. What is your salary there, Mr. DiLorenzo?

Mr. DiLORENZO. \$10 a day when they run.

Mr. RICE. How long have you been working there?

Mr. DiLORENZO. Since they opened, a couple of years.

Mr. RICE. You have been working there a couple of years?

Mr. DiLORENZO. Yes.

Mr. RICE. Why did you say you were unemployed?

Mr. DiLORENZO. I didn't say that. You asked me what my occupation was. That is not an occupation. It is just part-time work.

Mr. RICE. Just part time?

Mr. DiLORENZO. That's right. They don't race every night or every day. They have been 2 nights a week. Now they race once a week for the wintertime.

Mr. RICE. How long have you lived in Tampa?

Mr. DiLORENZO. I was born and raised at 1910 Tenth Avenue, Tampa, Fla.

Mr. RICE. You have lived there all your life. How much education do you have?

Mr. DiLORENZO. Grammar school.

Mr. RICE. A grammar-school education.

Mr. DiLORENZO. That's right.

Mr. RICE. What sort of work have you done since you left school?

Mr. DiLORENZO. Well, I used to be in the piano business, selling pianos in 1926 and 1927. In 1930, I went to work for R. T. Joughin, sheriff of this county.

Mr. RICE. What year?

Mr. DiLORENZO. 1930.

Mr. RICE. Yes.

Mr. DiLORENZO. And I worked there until 1941.

Mr. RICE. Doing what?

Mr. DiLORENZO. Deputy sheriff.

Mr. RICE. As a deputy sheriff?

Mr. DiLORENZO. Yes, sir.

Mr. RICE. That was 1930 and 1931?

Mr. DiLORENZO. That was from 1930 until almost 1941, off and on.

Mr. RICE. Until 1941?

Mr. DiLORENZO. That's right.

Mr. RICE. What do you mean, "off and on"?

Mr. DiLORENZO. Well, when Joughin went out, I went out; after a couple of years—about a year—Spencer gave me a job, and I went back to work with him.

Mr. RICE. What did you do when you were off.

Mr. DiLORENZO. I worked at different things, selling anything I could get, and I spent three years at Drew Field, as a civilian guard, sergeant of civilian police.

Mr. RICE. When was that?

Mr. DiLORENZO. 1943 to 1945.

Mr. RICE. Now, what have you been doing since 1940. Tell me about that.

Mr. DiLORENZO. Well, in 1940, there was an election. In 1941, we went out of office; and, in June 1941, I went to work for the constable of this district, my home district in this county.

Mr. RICE. What doing?

Mr. DiLORENZO. Deputy constable.

Mr. RICE. But what did you do?

Mr. DiLORENZO. Well, when the Governor fired us, I went to work at the dog track.

Mr. RICE. What did the Governor fire you for?

Mr. DiLORENZO. Pardon me, Drew Field. I went to work at Drew Field.

Mr. RICE. What did the Governor fire you for?

Mr. DiLORENZO. Hardy Graves was constable at the time. And, Mr. Rice, they did the—they are doing the same pattern as they are doing now. Jimmy Velasco was wanting to be a big shot, but he couldn't handle me in my district.

Mr. RICE. Yes.

Mr. DiLORENZO. So I started checking some of his peddlers, and he didn't like it. So he said: "You keep on and I am going to get Governor Holland to fire you." He kept his word and we got fired. The constable did, in other words; and I was fired with him.

Mr. RICE. Jimmy Velasco arranged that?

Mr. DiLORENZO. He said he was going to do it.

Mr. RICE. Did he tell you that?

Mr. DiLORENZO. Yes; he told me that to my face. He came over to my house trying to make a deal to leave this peddler alone. I told him I was going to enforce all of the law.

Mr. RICE. That was in 1940. Then, you went to Drew Field as a guard.

Mr. DiLORENZO. No; that was in 1941.

Mr. RICE. 1941?

Mr. DiLORENZO. That's right. In 1942, I went to Drew Field and I stayed until about 1945.

Mr. RICE. Well, from 1945 what have you done?

Mr. DiLORENZO. Well, they started the races out here at Sunshine Park, and I went to work there and at the dog track.

Mr. RICE. Who did you work for out there?

Mr. DiLORENZO. Milo Vega. He was one of the owners.

Mr. RICE. Was he your boss?

Mr. DiLORENZO. No; I was working the mutuels.

Mr. RICE. You were working the mutuels?

Mr. DiLORENZO. That's right. They had some fellow named Mac somebody.

Mr. RICE. That was in 1945?

Mr. DiLORENZO. I don't know when they opened. I don't remember whether it was 1945 or 1946.

Mr. RICE. Did you have any other job during that time?

Mr. DiLORENZO. No; I was working down at—down there in the daytime and part of the time at the dog track at night.

Mr. RICE. You were working daytime?

Mr. DiLORENZO. At Sunshine Park. That was for the 49 days or 50 days, whatever they were open.

Mr. RICE. After 1945, what did you do?

Mr. DiLORENZO. In March 1945 is when I was released from Drew Field.

Mr. RICE. Yes. How about 1946, then?

Mr. DiLORENZO. Well, in 1946, I was mostly working at the dog track.

Mr. RICE. Mostly. Did you do any other work?

Mr. DiLORENZO. No, sir.

Mr. RICE. How about 1947?

Mr. DiLORENZO. 1947, I was working, selling a few automobiles—anything I could get. I sold a few cars for a used-car dealer down here, but I haven't had anything steady.

Mr. RICE. What is his name?

Mr. DiLORENZO. R. E. McLeod, a used-car dealer.

Mr. RICE. What did you do for him?

Mr. DiLORENZO. Sold a few cars once in a while.

Mr. RICE. Once in a while.

Mr. DiLORENZO. And went to St. Petersburg and picked up a car and would bring it here and get paid for that.

Mr. RICE. That was 1947. How about 1948?

Mr. DiLORENZO. No. It wasn't 1947. It has been lately, all along.

Mr. RICE. What have you done since 1947?

Mr. DiLORENZO. Nothing. Just anything I could get.

Mr. RICE. Then, from 1947 until lately, which is 1950, you have done nothing but sell cars?

Mr. DiLORENZO. Well, I went to work for Sheriff Culbreath in June—June 1—and the same thing happened there. I was laid off.

Mr. RICE. What year?

Mr. DiLORENZO. 1948.

Mr. RICE. What did you do for Sheriff Culbreath?

Mr. DiLORENZO. He had put me on as a deputy sheriff, and then the paper started blasting me again, and I was out again.

Mr. RICE. Well now, when you went to work as a deputy sheriff did you have a badge?

Mr. DiLORENZO. I had a commission. Which I have still got. A special commission.

Mr. RICE. What is that?

Mr. DiLORENZO. That special commission I got in case I do get any special work where I need it. You can read for yourself. Pull it out and you can see on the back of it. It is a special commission.

Mr. RICE. Now, then, this is supposed to be a certificate of Hugh Culbreath, sheriff of Hillsborough County, "appointing Anthony DiLorenzo, investigator"?

Mr. DiLORENZO. No sir.

Mr. RICE. What is this?

Mr. DiLORENZO. Well, that is in case I get a job investigating anything private. Not for the sheriff. Read the back.

Mr. RICE. I am going to read it, and then we will talk about it after I read it. It is—

appointing Anthony J. DiLorenzo, investigator, whose signature appears on the reverse side hereof, as a deputy sheriff in and for Hillsborough County, Fla., and he is authorized to act as deputy sheriff under the laws of the State of Florida in said county for the period of one year in the form of this certificate unless this commission be sooner revoked, but without any assignment of duties from the sheriff's office.

Witness my hand and seal this 30th of September 1950.

(Signed) HUGH CULBREATH

Sheriff of Hillsborough County. (Certificate No. 265).

This was certified that Anthony J. DiLorenzo, whose signature and picture are affixed below, was a special deputy sheriff of Hillsborough County, Fla., for the specific purpose set forth on the reverse side of this card.

Mr. DiLORENZO. That is true.

Mr. RICE. Anthony J. DiLorenzo. Now, tell us about that.

Mr. DiLORENZO. Well, if he needs me in any special work, I am ready to do it.

Mr. RICE. Wait a minute now. You have got yourself fixed here some time back?

Mr. DiLORENZO. From the regular payroll, which he would have put me on if they had left me alone. I never did get on the payroll.

Mr. RICE. You never did get on the payroll?

Mr. DiLORENZO. No, sir.

Mr. RICE. You were on it one time, because you got fired.

Mr. DiLORENZO. I got on June 1, and on June 2 they blasted me in the papers and he had to let me go.

Mr. RICE. What did they blast you for?

Mr. DiLORENZO. Because they claimed I was working for Hardy Graves when the Governor fired him. All the same back story.

Mr. RICE. So you were blasted. Then, what happened?

Mr. DiLORENZO. Well, he gave me that special commission where I could get special work.

Mr. RICE. You were a special man?

Mr. DiLORENZO. That's right. If he needs me, why he can use me. I get paid for it.

Mr. RICE. Just tell us what some of your duties are as this special man?

Mr. DiLORENZO. Well, I haven't had any duties yet, Mr. Rice.

Mr. RICE. Wait a minute. You have told us already that you did special work for him.

Mr. DiLORENZO. I would get it if he has it.

Mr. RICE. But you never have had it?

Mr. DiLORENZO. I ask him if he has got anything for me to do. For instance, when they have got a dance or something at one of these places like Rocky Point, and they need a deputy, and we are paid.

Mr. RICE. Now, look. Let's not be silly about this thing. They are not giving you a card for nothing. They are giving you a card for something. What was your job? What have you done for the sheriff?

Mr. DiLORENZO. The job that I did would be for myself, not for the sheriff. In other words, I have to have protection.

Mr. RICE. Why?

Mr. DiLORENZO. If I go out investigating here for someone, I will have protection and I can carry a gun.

Mr. RICE. Well this permits you to carry a gun then?

Mr. DiLORENZO. That is what it will amount to.

Mr. RICE. Now, what guns do you carry?

Mr. DiLORENZO. I don't carry any.

Mr. RICE. Do you have a gun on you now?

Mr. DiLORENZO. No, sir.

Mr. RICE. Why?

Mr. DiLORENZO. I don't have to have it now. I am not working now.

Mr. RICE. When do you carry a gun?

Mr. DiLORENZO. Well, I carry one on Sunday when I am working at the speedway.

Mr. RICE. What do you need a gun at the speedway for?

Mr. DiLORENZO. Watching the money.

Mr. RICE. What money?

Mr. DiLORENZO. At the box office out there. They sell tickets out there, Mr. Rice. They sell three and four thousand tickets a week.

Mr. RICE. Well, now, you are working for the speedway, not the sheriff's office.

Mr. DiLORENZO. That's right.

Mr. RICE. The sheriff gives you a card to carry a gun to work at the speedway?

Mr. DiLORENZO. No; the sheriff gives me a gun so that if he ever needs me he can call me, and I will be ready.

Mr. RICE. What kind of guns are they?

Mr. DiLORENZO. One is a 38 short.

Mr. RICE. A snub nose?

Mr. DiLORENZO. That's right.

Mr. RICE. Have you any other guns?

Mr. DiLORENZO. I've got a 6-inch barrel.

Mr. RICE. You got a 6-inch barrel. What caliber?

Mr. DiLORENZO. 38.

Mr. RICE. Where are they?

Mr. DiLORENZO. I have got one in the car and one at home.

Mr. RICE. Which one is in the car?

Mr. DiLORENZO. The short nose.

Mr. RICE. The other one is at home?

Mr. DiLORENZO. The 6-inch barrel.

Mr. RICE. Why do you keep it at home?

Mr. DiLORENZO. It's too big to carry in the car.

Mr. RICE. Do you have a holster for it?

Mr. DiLORENZO. Yes.

Mr. RICE. When do you carry it with you?

Mr. DiLORENZO. I used to carry it at Drew Field. It was regulations. We had to carry a 5- or 6-inch at Drew Field. The War Department let us use them.

Mr. RICE. What rifle or shotgun do you have?

Mr. DiLORENZO. I don't have any.

Mr. RICE. You don't have any?

Mr. DiLORENZO. No, sir.

Mr. RICE. Have you ever had?

Mr. DiLORENZO. I never had a shotgun.

Mr. RICE. You never had a shotgun. Did you ever have a rifle?

Mr. DiLORENZO. No, sir.

Mr. RICE. Not since 1940?

Mr. DiLORENZO. No, not since anytime.

Mr. RICE. You have never had a shotgun or rifle?

Mr. DiLORENZO. I may have had it, but I never carried it.

Mr. RICE. You had it, but you never carried it?

Mr. DiLORENZO. In other words, I might have handled it at the jail, but I never had any of my own.

Mr. RICE. Was that the only place that you ever handled them?

Mr. DiLORENZO. That's right.

Mr. RICE. Are you sure about that?

Mr. DiLORENZO. Yes, sir. I may have handled them in stores or somewhere, where they sell arms, but I never owned it.

Mr. RICE. Have you any weapons that your son-in-law has?

Mr. DiLORENZO. My son-in-law?

Mr. RICE. Yes.

Mr. DiLORENZO. I think it is an old Spanish gun I got.

Mr. RICE. Did you give it to him?

Mr. DiLORENZO. That's right. I don't know whether it will shoot or not. It is an old Spanish automatic.

Mr. RICE. An automatic?

Mr. DiLORENZO. That's right.

Mr. RICE. What did you give it to him for?

Mr. DiLORENZO. Well, he is in the Army at Drew Field, and he always said he wanted a gun and I got that one. I had it, and I don't even remember where I got it.

Mr. RICE. What did you tell him when you gave it to him?

Mr. DiLORENZO. I just told him I picked it up and let him have it.

Mr. RICE. How long ago was that?

Mr. DiLORENZO. Oh, several months ago.

Mr. RICE. What caliber is that?

Mr. DiLORENZO. I don't know.

Mr. RICE. Approximately?

Mr. DiLORENZO. I never got any shells for it.

Mr. RICE. Did you ever shoot it?

Mr. DiLORENZO. No, sir.

Mr. RICE. You are sure about that?

Mr. DiLORENZO. Yes, sir.

Mr. RICE. Where did you get it?

Mr. DiLORENZO. I don't remember.

Mr. RICE. Oh, yes, you do.

Mr. DiLORENZO. Somewhere, I don't know. A man who has been in office as long as I have, has picked up guns many times.

Mr. RICE. Oh, you've picked up a lot of guns?

Mr. DiLORENZO. No, I don't.

Mr. RICE. Where did you get it?

Mr. DiLORENZO. I usually turned them in at the jail when I was in the sheriff's office.

Mr. RICE. I am asking you where you got it?

Mr. DiLORENZO. That particular one?

Mr. RICE. This Spanish gun?

Mr. DiLORENZO. I don't remember.

Mr. RICE. Oh, yes, you do.

Mr. DiLORENZO. Maybe some pawn shop somewhere, I don't know.

Mr. RICE. I am not interested in maybe. I want to know where you got it.

Mr. DiLORENZO. I don't remember.

Mr. RICE. O. K., where do you think you got it?

Mr. DiLORENZO. I don't know. I might have gotten it when Jerry was sheriff, I don't know.

Mr. RICE. You mean you took it off of someone?

Mr. DiLORENZO. No. They got a lot of junk up there that they discard.

Mr. RICE. They got a lot of junk guns that anyone can take off?

Mr. DiLORENZO. That's all that is.

Mr. RICE. Just a junk gun?

Mr. DiLORENZO. That particular one I imagine it is, because I don't even know if it would shoot.

Mr. RICE. You gave it to your son-in-law to protect himself?

Mr. DiLORENZO. I didn't give it to my son-in-law to protect himself. He wanted a gun and I gave it to him, and as long as he doesn't carry it, I said, "You can have this one if you can find shells for it." I don't know whether he can find shells for it.

Mr. RICE. It's just a piece of junk?

Mr. DiLORENZO. To me, it is.

Mr. RICE. Now, where were you in December of 1948?

Mr. DiLORENZO. I was working at the Speedway Park.

Mr. RICE. Were you a deputy then?

Mr. DiLORENZO. Special commission.

Mr. RICE. The same as this?

Mr. DiLORENZO. That's right. It might have read different, but it was special commission.

Mr. RICE. Do you remember when Jimmy Velasco was killed?

Mr. DiLORENZO. I know the date, yes.

Mr. RICE. You know the date?

Mr. DiLORENZO. Because it was—because they called me at night and told me.

Mr. RICE. Who called you?

Mr. DiLORENZO. A friend of mine called me and says, "Have you heard the news?" I said, "No; what is it?"

Mr. RICE. Who was your friend?

Mr. DiLORENZO. I don't remember who it was. I do know that I called down at the jail and I said, "Is it true that Jimmy has been killed?" And they said, "yes."

Mr. RICE. What time of night was Jimmy killed?

Mr. DiLORENZO. I don't remember. I had just gotten home. We left Speedway Park at dark and I had just gotten home. I don't remember. I don't know what time he got killed. I know the time I got home.

Mr. RICE. It was night, was it not?

Mr. DiLORENZO. I got home about 7 o'clock.

Mr. RICE. Where had you been?

Mr. DiLORENZO. At Speedway Park.

Mr. RICE. You had been to the park?

Mr. DiLORENZO. Yes; working, taking up tickets.

Mr. RICE. When they called you, what did you do?

Mr. DiLORENZO. I called them at the jail to verify it, if it was true, and they said, "Yes," it was true.

Mr. RICE. And then what did you do?

Mr. DiLORENZO. I didn't do anything. What could I do?

Mr. RICE. Did you go to Velasco's house?

Mr. DiLORENZO. Of course not. It wasn't any of my business. I wasn't working for the sheriff's office.

Mr. RICE. You didn't go to pick up anyone, to investigate?

Mr. DiLORENZO. No, sir.

Mr. RICE. You were a special deputy?

Mr. DiLORENZO. No; I didn't pick up anyone.

Mr. RICE. Did you do any investigating?

Mr. DiLORENZO. No.

Mr. RICE. Are you sure about that?

Mr. DiLORENZO. Yes.

Mr. RICE. You were at Speedway Park?

Mr. DiLORENZO. That night I was. We raced there that afternoon.

Mr. RICE. How did you draw your money at Speedway Park?

Mr. DiLORENZO. In cash.

Mr. RICE. Who paid you?

Mr. DiLORENZO. George Spoto.

Mr. RICE. George Spoto paid you?

Mr. DiLORENZO. He is the general manager, the treasurer.

Mr. RICE. Do they deduct social security on that?

Mr. DiLORENZO. I think he does.

Mr. RICE. You think he does?

Mr. DiLORENZO. I am not sure. He gives me a \$10 bill a lot of times, or nickels, whatever change I ask him, I don't recall.

Mr. RICE. And they pay you in cash?

Mr. DiLORENZO. That is right. He pays all of them in cash.

Mr. RICE. Did you pay Federal income tax?

Mr. DiLORENZO. No, I haven't had any to pay. I haven't made enough to pay.

Mr. RICE. You haven't made enough to pay?

Mr. DiLORENZO. No, sir.

Mr. RICE. Did you file a return?

Mr. DiLORENZO. I have, except these last 2 years.

Mr. RICE. For the last 2 years you have not filed a return?

Mr. DiLORENZO. No, sir.

Mr. RICE. What have you been living on?

Mr. DiLORENZO. I haven't been making over the limit.

Mr. RICE. What have you been living on?

Mr. DiLORENZO. Mr. Rice, I haven't been working most all of my life. I haven't got no habit, I don't drink and I don't smoke and I have saved the few dollars which I have been using, and there is only my boy and I. My daughter is married.

Mr. RICE. You are supporting your boy?

Mr. DiLORENZO. Yes.

Mr. RICE. What with?

Mr. DiLORENZO. It don't take much to support my boy. I got my own home and don't have to pay rent.

Mr. RICE. What do you eat on? Don't be silly about this. You get money?

Mr. DiLORENZO. Certainly. I get a car at McLeod's and go and sell it.

Mr. RICE. How much money have you made selling cars?

Mr. DiLORENZO. I don't remember offhand.

Mr. RICE. You cannot live off of nothing. How many cars have you sold in the last 2 years?

Mr. DiLORENZO. Several cars.

Mr. RICE. One?

Mr. DiLORENZO. No, sir; more than one.

Mr. RICE. Two?

Mr. DiLORENZO. More than two.

Mr. RICE. Three?

Mr. DiLORENZO. Mr. Rice, I don't remember offhand, because I have been having enough worry lately. I have been sick and my wife has been sick, a nervous wreck, and I have been having enough trouble that I don't remember what I have sold or what I haven't sold.

Mr. RICE. You don't know how many cars you have sold? And you are selling them.

Mr. DiLORENZO. Whenever I get any to sell.

Mr. RICE. Have you sold any cars for anyone besides McLeod?

Mr. DiLORENZO. No, sir.

Mr. RICE. So he knows how many you have sold?

Mr. DiLORENZO. I imagine so.

Mr. RICE. He has records?

Mr. DiLORENZO. I don't know whether he keeps records of what he sells. He does keep records of what he sells; he don't know who sells them; he don't put down who sells them, the sale of the car but not the salesman.

Mr. RICE. He knows what you got, does he not?

Mr. DiLORENZO. That all depends. Sometimes I get what he pays me and sometimes more, like tires.

Mr. RICE. How much have you made in the last 2 years selling tires, approximately?

Mr. DiLORENZO. I don't know.

Mr. RICE. \$100?

Mr. DiLORENZO. I imagine it has been more than that.

Mr. RICE. \$200?

Mr. DiLORENZO. I don't remember, Mr. Rice. I am not going to tell you one thing or another because I don't remember. I am not going to tell you something where I am not sure of it.

Mr. RICE. You may be compelled to tell.

Mr. DiLORENZO. If I am not sure, how can I tell you?

Mr. RICE. You can tell us approximately, what you made.

Mr. DiLORENZO. I owe him \$400, that I know.

Mr. RICE. You owe him \$400?

Mr. DiLORENZO. I owe him \$400. I have been borrowing from him.

Mr. RICE. So you borrowed \$400 from him?

Mr. DiLORENZO. That is right.

Mr. RICE. So you, at least, have sold some cars?

Mr. DiLORENZO. Yes, sir.

Mr. RICE. How many?

Mr. DiLORENZO. This last year I may have sold two or three of them.

Mr. RICE. How much did you make out of them?

Mr. DiLORENZO. I made \$50 out of each one of the two of them, and I think \$25 on the other.

Mr. RICE. How about the year before?

Mr. DiLORENZO. I don't remember that far back.

Mr. RICE. Two cars?

Mr. DiLORENZO. It might have been more. I make trips to St. Petersburg to pick up cars for him and I get paid for that.

Mr. RICE. Where do you eat?

Mr. DiLORENZO. Home.

Mr. RICE. Where do you get your groceries?

Mr. DiLORENZO. Grocery store.

Mr. RICE. And what do you use to pay for them?

Mr. DiLORENZO. Money.

Mr. RICE. Where do you get the money?

Mr. DiLORENZO. That is what I have been getting.

Mr. RICE. What?

Mr. DiLORENZO. I have been getting \$20 a week at the Speedway Park alone up until a couple of weeks ago, when we were working only one Sunday.

Mr. RICE. You have been getting \$20 a week plus selling some cars?

Mr. DiLORENZO. That is right.

Mr. RICE. How about tax returns?

Mr. DiLORENZO. That has been this year.

Mr. RICE. You said not for the last couple of years.

Mr. DiLORENZO. Last year I didn't make over \$500.

Mr. RICE. And if you don't make over \$500 you not supposed to file?

Mr. DiLORENZO. I don't dispute that you are not supposed to. I might have the law wrong.

Mr. RICE. You might. Now, do you remember Jimmy Lumia?

Mr. DiLORENZO. Yes.

Mr. RICE. Did you know him?

Mr. DiLORENZO. Yes.

Mr. RICE. What business did you have with him?

Mr. DiLORENZO. I didn't have any business for him, except selling kerosene for him. He used to be in the oil business and I used to call him or his truck to bring kerosene to my house whenever we needed it. That is the only business I ever had with Jimmy Lumia, not with him direct, but with his truck driver.

Mr. RICE. When did you see him last?

Mr. DiLORENZO. Oh, I don't know. I used to see him pass by my sister's house most all of the time. I have a sister who lives on Twelfth Street, and Jimmy Lumia lives farther down on Twelfth Street.

Mr. RICE. Have you seen him this year?

Mr. DiLORENZO. No, sir.

Mr. RICE. Not in 1950?

Mr. DiLORENZO. I might have seen him in the street to wave at him, but to talk, I didn't.

Mr. RICE. What happened to him?

Mr. DiLORENZO. He got shot.

Mr. RICE. What with?

Mr. DiLORENZO. I don't know. What I seen in the paper he must have gotten shot with a shotgun, the papers said.

Mr. RICE. When did that happen?

Mr. DiLORENZO. In June sometime.

Mr. RICE. In the morning or afternoon?

Mr. DiLORENZO. It was in the morning.

Mr. RICES. Where were you that morning?

Mr. DiLORENZO. I was at MacDill Field picking up my daughter to bring her home. She had been at the hospital out there.

Mr. RICE. What time was that?

Mr. DiLORENZO. We got there—

Mr. RICE. Who is "we"?

Mr. DiLORENZO. My wife and I. We left here about, oh, I don't know; 9 o'clock or 9:30. It may be before that.

Mr. RICE. What time was he killed?

Mr. DiLORENZO. I don't know what time he got killed. I knew when I got back.

Mr. RICE. Go ahead.

Mr. DiLORENZO. And I went to MacDill and picked up my daughter. She had been in the hospital, and got back home; my daughter's home.

Mr. RICE. And when did you learn that he was killed?

Mr. DiLORENZO. That same day.

Mr. RICE. What time?

Mr. DiLORENZO. I think I seen it in the paper, some kids yelling. I don't remember what time it was.

Mr. RICE. Approximately what time was it?

Mr. DiLORENZO. It was after the first edition of the Times came out, Mr. Rice. I don't remember what time it was.

Mr. RICE. After the first Times was out?

Mr. DiLORENZO. Yes, sir; that is right.

Mr. RICE. Where were you when you found out about it?

Mr. DiLORENZO. I heard the kid yelling and I didn't pay much attention and I got home and I don't remember now whether I called someone to find out for sure. I believe it was the people in the neighborhood said, when I went upstairs.

Mr. RICE. Who did you call?

Mr. DiLORENZO. No, no. That is true. It was the old lady downstairs said she heard in the news—Spanish news—that Jimmy Lumia had been killed. That is the way it was.

Mr. RICE. Do you know who killed him?

Mr. DiLORENZO. No.

Mr. RICE. What did you do when you got the news?

Mr. DiLORENZO. Nothing.

Mr. RICE. You said you called someone.

Mr. DiLORENZO. Oh, I called my wife and told her.

Mr. RICE. You were with your wife?

Mr. DiLORENZO. No; my wife lives with her mother.

Mr. RICE. Did you not say that she went with you to the hospital?

Mr. DiLORENZO. That is right. I went and picked her up.

Mr. RICE. And then what did you do?

Mr. DiLORENZO. We went to the hospital and came back and I left my daughter and her at her house.

Mr. RICE. At whose house?

Mr. DiLORENZO. At my mother-in-law's house, and I went on home.

Mr. RICE. To your home?

Mr. DiLORENZO. Yes; that is right.

Mr. RICE. Then what?

Mr. DiLORENZO. Then I called her up and I said that I just heard that Jimmy Lumia was killed and she said, yes, that she heard about it.

Mr. RICE. Then what did you do?

Mr. DiLORENZO. Not a thing. I went back to my wife and daughter.

Mr. RICE. Why did you leave them?

Mr. DiLORENZO. She lives with her mother; my wife lives with her mother and my daughter had just come out of the hospital.

Mr. RICE. You took the daughter home?

Mr. DiLORENZO. That is right. I went home to eat and then I went back. You see, I eat at home, Mr. Rice.

Mr. RICE. You are sure that you did not eat at a drive-in that day?

Mr. DiLORENZO. We went to a drive-in at noon, but I didn't eat anything. My wife and daughter did. I drank a Coca-Cola. I had already had, you can call it lunch or breakfast, whatever you wish, but my wife and daughter did.

Mr. RICE. Before you went to the hospital that morning, where were you?

Mr. DiLORENZO. I was home until my son-in-law called me.

Mr. RICE. All right, you were home. You slept home that night, did you?

Mr. DiLORENZO. Yes, sir; with my boy.

Mr. RICE. What time did you get up?

Mr. DiLORENZO. I hadn't got up when my son-in-law called me. I was still in bed when he called me.

Mr. RICE. Your son-in-law called you?

Mr. DiLORENZO. That is right.

Mr. RICE. He is at MacDill Field?

Mr. DiLORENZO. Yes, sir.

Mr. RICE. Then what happened?

Mr. DiLORENZO. He told me that my daughter was ready to come home.

Mr. RICE. From the hospital?

Mr. DiLORENZO. From the hospital.

Mr. RICE. That was early, 7 or 7:30?

Mr. DiLORENZO. No; it was somewhere between 8 and 9. I am not sure now. And said that she would be ready to go home and I called my wife and told her to get ready, we were going to get my daughter.

Mr. RICE. You called your wife and told her to get ready?

Mr. DiLORENZO. That is right.

Mr. RICE. Then what did you do?

Mr. DiLORENZO. As soon as I dressed I went over and got my wife and we went to the hospital.

Mr. RICE. That was about 9:30?

Mr. DiLORENZO. I don't know for sure what time it was. It was somewhere between 9—maybe before that, because we got home—I don't recall the time.

Mr. RICE. As a matter of fact, when you got to the hospital, had not your daughter got tired of waiting for you to come, and gone off somewhere, and you could not find her?

Mr. DiLORENZO. That is right. We had a long wait out there for her.

Mr. RICE. What happened?

Mr. DiLORENZO. She said she had to wait somewhere. But we did find her out there.

Mr. RICE. What time did you find her?

Mr. DiLORENZO. I don't know; maybe 10.

Mr. RICE. Later than that?

Mr. DiLORENZO. It could have been. I didn't keep any track of the time it was. I didn't have nothing to do and didn't make any difference to me whether I stayed 1 hour or 10 hours.

Mr. RICE. You are sure you did not go anywhere else that morning?

Mr. DiLORENZO. Did I go anywhere else?

Mr. RICE. Yes, sir.

Mr. DiLORENZO. Before or after I went to MacDill Field?

Mr. RICE. Before going to the hospital.

Mr. DiLORENZO. No; I went to my wife's.

Mr. RICE. And the only place you went was to your wife's house and the hospital?

Mr. DiLORENZO. That is right.

Senator HUNT. Mr. DiLorenzo, we will excuse you from the witness chair at this time. Your subpoena will hold. Keep yourself available and in readiness to be recalled at the convenience of the committee.

Mr. DiLORENZO. Yes, sir. Are you going to keep that card? Are you going to keep that card? I may need it tomorrow. I may go to work tomorrow, and I need it.

Mr. RICE. We may want to ask Sheriff Culbreath about it. We will give it to you today.

Mr. DiLORENZO. All right. I want to get it as soon as possible, because I've got to work tomorrow.

Mr. RICE. All right. Stick around.

Senator HUNT. I would like to suggest to you, Mr. DiLorenzo, that you remain in the courtroom.

Mr. DiLORENZO. Yes, sir.

(The witness was excused.)

Senator HUNT. The committee is requesting Marshal Crumbley to present Marvin H. Gardner and Mrs. Marvin H. Gardner in the courtroom at his first convenience.

Will you give Sheriff Culbreath a ring if he is not available in the courtroom, and tell him we now wish his presence here?

Mr. CRUMBLEY. I will call him right now.

Senator HUNT. Since the sheriff isn't here, we want to ask Mr. DiLorenzo a couple of questions. Mr. DiLorenzo, will you please take the stand for a minute again?

(Thereupon Anthony DiLorenzo returned to the stand.)

Mr. RICE. What is the address of Marvin H. Gardner?

Mr. DiLORENZO. 107 East Ross.

Mr. RICE. Ross?

Mr. DiLORENZO. Yes, sir.

Mr. RICE. 107 East Ross?

Mr. DiLORENZO. Yes, sir.

Mr. RICE. What is the telephone number there?

Mr. DiLORENZO. 261561.

Mr. RICE. All right. Now, since 1947, have you ever received any money from Red Italiano?

Mr. DiLORENZO. No, sir.

Mr. RICE. Are you sure about that?

Mr. DiLORENZO. Yes, sir.

Mr. RICE. You never received an envelope from him?

Mr. DiLORENZO. No, sir.

Mr. RICE. Have you ever received any money from Sheriff Culbreath?

Mr. DiLORENZO. Yes, sir.

Mr. RICE. How much?

Mr. DiLORENZO. Off and on, I don't remember, it was different, for special work I did for him he will pay me so much.

Mr. RICE. What was the special work?

Mr. DiLORENZO. He had me on for a while, trying to find out something about this gambling going on here.

Mr. RICE. About the gambling?

Mr. DiLORENZO. Yes, sir.

Mr. RICE. What did you do?

Mr. DiLORENZO. Well, I knew a few of the people.

Mr. RICE. You knew a few of the people?

Mr. DiLORENZO. Yes, sir; that's right, who were in the business.

Mr. RICE. Who did you know? Did you know Primo?

Mr. DiLORENZO. Yes, sir.

Mr. RICE. Did you work on him?

Mr. DiLORENZO. No, sir.

Mr. RICE. Who did you work on?

Mr. DiLORENZO. What do you mean, "work on him"? I work on any of them if I knew who they were.

Mr. RICE. What did the sheriff tell you to do?

Mr. DiLORENZO. He told me to get all the information I could on any gambling in Hillsborough County.

Mr. RICE. What did you do?

Mr. DiLORENZO. I did some of the—I got some of them.

Mr. RICE. Where did you get them?

Mr. DiLORENZO. Different ones at the time, I give them names.

Mr. RICE. What names did you give them?

Mr. DiLORENZO. I don't remember now—different ones that I knew were selling bolita and where they were selling it.

Mr. RICE. Can you remember one; one name?

Mr. DiLORENZO. No, I don't.

Mr. RICE. You can't remember their names, you don't remember their names?

Mr. DiLORENZO. I just remembered who they were and told them who they were, and he sent his men sometimes and got them and sometimes he didn't get them.

Mr. RICE. What did you get paid for that?

Mr. DiLORENZO. He give me different; sometimes \$25 or \$30. It depends.

Mr. RICE. \$25 or \$30?

Mr. DiLORENZO. Sometimes.

Mr. RICE. When was this?

Mr. DiLORENZO. It's been off and on since—

Mr. RICE. Was any of it in 1950?

Mr. DiLORENZO. No.

Mr. RICE. You haven't received any money—

Mr. DiLORENZO. No, sir.

Mr. RICE. Did you do any work in 1950?

Mr. DiLORENZO. Not from the sheriff.

Mr. RICE. Not from the sheriff?

Mr. DiLORENZO. Yes, sir.

Mr. RICE. Are you sure about that?

Mr. DiLORENZO. Yes, sir.

Mr. RICE. How about 1949?

Mr. DiLORENZO. Yes, I think I had a few cases, not many.

Mr. RICE. You had a few cases in 1949?

Mr. DiLORENZO. Yes.

Mr. RICE. About how many?

Mr. DiLORENZO. I don't remember.

Mr. RICE. Six?

Mr. DiLORENZO. Whatever he wanted me to do, I have always done it.

Mr. RICE. How much money did you receive from him for that?

Mr. DiLORENZO. Oh, I don't know, altogether. I never did keep track of it.

Mr. RICE. Did he pay you in cash?

Mr. DiLORENZO. Yes, sir.

Mr. RICE. Did he give it to you in an envelope?

Mr. DiLORENZO. No, sir.

Mr. RICE. Where did it come from?

Mr. DiLORENZO. He took it out of his pocket.

Mr. RICE. Where did it come from?

Mr. DiLORENZO. I don't know.

Mr. RICE. He took it out of his pocket?

Mr. DiLORENZO. Yes.

Mr. RICE. Where did that take place?

Mr. DiLORENZO. At the sheriff's office.

Mr. RICE. Would you go to the sheriff's office?

Mr. DiLORENZO. Yes.

Mr. RICE. And he would take money out of his pocket?

Mr. DiLORENZO. Whenever I have any case anytime I go to see him off and on, and ask him if there is any work for me.

Mr. RICE. And when he had work—

Mr. DiLORENZO. When he has work he tells me.

Mr. RICE. What did he say?

Mr. DiLORENZO. He says he—of course he always tell me, "If you know anybody who is violating any gambling law, let me know."

Mr. RICE. When you would go out would you use your investigator's card?

Mr. DiLORENZO. No, sir.

Mr. RICE. What would you do? What were you—an undercover man?

Mr. DiLORENZO. Well, I guess you would call it that.

Mr. RICE. Well, how much money did you make from that in 1949, last year?

Mr. DiLORENZO. I don't remember, Mr. Rice.

Mr. RICE. Do you have a bank account?

Mr. DiLORENZO. No, sir.

Mr. RICE. How much cash do you have?

Mr. DiLORENZO. About \$200.

Mr. RICE. Where is that?

Mr. DiLORENZO. In my pocket..

Mr. RICE. Is that all you have?

Mr. DiLORENZO. Yes. About \$240 or \$250.

Mr. RICE. Do you have any safe deposit box?

Mr. DiLORENZO. No, sir.

Mr. RICE. Do you have any other resources?

Mr. DiLORENZO. No, sir.

Mr. RICE. That is all you have?

Mr. DiLORENZO. Yes.

Mr. RICE. Do you own your home?

Mr. DiLORENZO. Yes.

Mr. RICE. How much is that worth?

Mr. DiLORENZO. Well, the location it is, it ain't worth over \$3,000.

Mr. RICE. \$3,000?

Mr. DiLORENZO. Yes, sir. It was given to me by my mother. It was really my father's home.

Mr. RICE. Do you have a car?

Mr. DiLORENZO. Yes.

Mr. RICE. What kind?

Mr. DiLORENZO. A 1947 Dodge.

Mr. RICE. A 1947 Dodge?

Mr. DiLORENZO. That's right.

Mr. RICE. When did you get that?

Mr. DiLORENZO. I traded my Plymouth on that. It was second-hand, a second-hand car.

Mr. RICE. When?

Mr. DiLORENZO. In 1948.

Mr. RICE. How much did you pay for it under your trade?

Mr. DiLORENZO. I didn't pay anything. I sold my Plymouth and turned around and bought this Dodge.

Mr. RICE. What year Plymouth was it?

Mr. DiLORENZO. A 1946.

Mr. RICE. You traded a 1946 Plymouth for a 1947 Dodge?

Mr. DiLORENZO. I sold my Plymouth and I had this fellow, a friend of mine, buy me this Dodge, which cost me what the Plymouth was worth.

Mr. RICE. Now, do you own any property?

Mr. DiLORENZO. Except my home.

Mr. RICE. Except your home?

Mr. DiLORENZO. Yes.

Mr. RICE. Do you have a safe deposit box?

Mr. DiLORENZO. No.

Mr. RICE. Your car and your home?

Mr. DiLORENZO. That's right.

Mr. RICE. Where did you get the \$200?

Mr. DiLORENZO. I've been saving it.

Mr. RICE. From when?

Mr. DiLORENZO. From different times, all along for this past year.

Mr. RICE. For the past year?

Mr. DiLORENZO. That's right.

Mr. RICE. Did any of this—

Mr. DiLORENZO. Five dollars today, ten the next time, and so on.

Mr. RICE. So that the \$200 is money left over from last year?

Mr. DiLORENZO. No; it's money I've been accumulating, saving it for any emergency, sickness or anything.

Mr. RICE. What do you live on?

Mr. DiLORENZO. What I make during the week.

Mr. RICE. What you make during the week?

Mr. DiLORENZO. That's right.

Mr. RICE. And you just hold this \$200?

Mr. DiLORENZO. That's right.

Mr. RICE. Are you going to file an income tax return this year?

Mr. DiLORENZO. Yes, sir, as soon as I get this return from Speedway Park.

Mr. RICE. Did you get a return from Speedway Park last year?

Mr. DiLORENZO. No; I don't think we did last year. We didn't work last year all continual like we did this year. It was only once a week last year out there. They started racing nights the last part of this year.

Mr. RICE. How did it happen that you didn't have to use the \$200 last year?

Mr. DiLORENZO. I didn't have \$200 last year.

Mr. RICE. Where did the \$200 come from?

Mr. DiLORENZO. I have been accumulating it, \$5 and so on, and I've just got it now up to about \$200.

Mr. RICE. You accumulated it this year, then?

Mr. DiLORENZO. All along, from last year on up.

Mr. RICE. I am confused—

Mr. DiLORENZO. You are confused and you are getting me confused now.

Mr. RICE. You said in the beginning of the year you didn't have anything saved.

Mr. DiLORENZO. I didn't say no such thing, Mr. Rice. You didn't ask me if I had—

Mr. RICE. Where did the \$200 come from?

Mr. DiLORENZO. I told you I have been getting it. If I make \$10 this week and don't spend it all, I save it. Up till now I've got this much which is all the money I've got.

Mr. RICE. Can you say this: That as of January 1, 1950, you did not have the \$200?

Mr. DiLORENZO. I didn't have the 200, but I had part of the 200.

Mr. RICE. How much of it did you have?

Mr. DiLORENZO. Maybe \$50, maybe \$60, maybe \$70. I don't know.

Mr. RICE. At the beginning of the year you had \$50?

Mr. DiLORENZO. Maybe \$75. I don't know.

Mr. RICE. All right; \$75 you had at the beginning of the year. Is that right?

Mr. DiLORENZO. Well, maybe I had \$75.

Mr. RICE. All right, \$75, that is all you had?

Mr. DiLORENZO. Somewhere around that. I'm not sure how much I had.

Mr. RICE. Less than \$100?

How much money have you made this year?

Mr. DiLORENZO. This year we have been running out there twice a week.

Mr. RICE. How much money have you made?

Mr. DiLORENZO. I don't know yet. I will know when I get my income.

Mr. RICE. When you work twice a week—

Mr. DiLORENZO. It's \$20 a week.

Mr. RICE. You have made \$20 each week this year?

Mr. DiLORENZO. Not every week, but since they have run it, raced at night time.

Mr. RICE. How long has that been?

Mr. DiLORENZO. It started—I don't remember when they actually started, but they have been racing out there—when they closed at Phillips Field they opened out there.

Mr. RICE. How many weeks have they been running?

Mr. DiLORENZO. They've been running each Sunday.

Mr. RICE. Do you know how long?

Mr. DiLORENZO. They've been running once a week about 2 years.

Mr. RICE. Have you worked every Sunday?

Mr. DiLORENZO. Mostly every Sunday.

Mr. RICE. Mostly every Sunday.

Mr. DiLORENZO. Yes, sir. Sometimes on Sunday I was sick and didn't go.

Mr. RICE. How many Sundays did you work?

Mr. DiLORENZO. Every Sunday they raced.

Mr. RICE. There are only 50 weeks in the year up to now.

Mr. DiLORENZO. When it rains we don't race. That's the reason I can't tell you, because there have been a lot of Sundays it rained.

Mr. RICE. Have you worked 25 Sundays?

Mr. DiLORENZO. I don't know, but as soon as I get my return I'll let you know.

Mr. RICE. You got the money for working Sundays.

Mr. DiLORENZO. Sundays and during the week when we raced.

Mr. RICE. How much have you earned during the week?

Mr. DiLORENZO. When it was during the week they raced two nights.

Mr. RICE. How long have they been running?

Mr. DiLORENZO. About 2 years.

Mr. RICE. Every week?

Mr. DiLORENZO. Every week when it doesn't rain.

Mr. RICE. When it doesn't rain.

Mr. DiLORENZO. They have got a chart out there, Mr. Rice, of how many Sundays, how many races.

Mr. RICE. Do you pay any support money to your wife?

Mr. DiLORENZO. Yes.

Mr. RICE. How much?

Mr. DiLORENZO. \$50 a month.

Mr. RICE. \$50 a month?

Mr. DiLORENZO. That's right.

Mr. RICE. Have you been paying that this year?

Mr. DiLORENZO. Yes, sir.

Mr. RICE. You pay \$50 a month now to your wife?

Mr. DiLORENZO. Yes.

Mr. RICE. Where does that come from?

Mr. DiLORENZO. From money I've been making.

Mr. RICE. From money——

Mr. DiLORENZO. That's the reason I couldn't save more. I got a little money from my mother. She had a little money, not much.

Mr. RICE. When did you buy that suit you have on?

Mr. DiLORENZO. This suit?

Mr. RICE. Yes.

Mr. DiLORENZO. About a year and a half ago.

Mr. RICE. How much did you pay for it?

Mr. DiLORENZO. \$32.50.

Mr. RICE. Where did you get it?

Mr. DiLORENZO. Stein's.

Mr. RICE. All right. Now——

Mr. DiLORENZO. That is the only one I got, by the way, Mr. Rice.

Mr. RICE. I think what you had better do, Mr. DiLorenzo, is step off the stand for a while and think it over. You are presenting a story here where you are making a few dollars, supporting yourself and your son and wife, buying clothes, paying utilities, doctor bills, food——

Mr. DiLORENZO. I can bring you—

Mr. RICE. Don't argue with me, now—driving a car, and all of this, apparently, on thin air.

Mr. DiLORENZO. Mr. Rice—

Mr. RICE. We will give you an opportunity a little later on to explain it.

Mr. DiLORENZO. Mr. Rice, I can tell you that now. I hate to bring all my personal affairs in, but it's got to be. I have been borrowing money from my family, borrowing money from my friends, and darned near everybody that knows me. If you want them I can bring them over. I've got two sisters and their families that have been lending me money. McLeod has loaned me money off and on—about \$400, which I owe him yet. This is all a front that you see, that's all. I need a job, yes. I am trying to find a job every week.

Mr. RICE. All right. Suppose we excuse you for a while.

Mr. KLEIN. Mr. DiLorenzo, what is that number? Will you tell us that telephone number.

Mr. DiLORENZO. 261561.

Mr. KLEIN. 261561?

Mr. DiLORENZO. That's right.

Mr. KLEIN. Thank you.

Senator HUNT. You are excused, Mr. DiLorenzo. Sheriff Culbreath, please.

FURTHER TESTIMONY OF HUGH CULBREATH, SHERIFF, HILLSBOROUGH COUNTY, FLA., ACCOMPANIED BY WILLIAM C. PIERCE, ATTORNEY, TAMPA, FLA.

Senator HUNT. The sheriff has been sworn, Mr. Rice.

Mr. RICE. Yes. Have you been sworn?

Mr. CULBREATH. Yes.

Mr. RICE. What year were you born, Sheriff?

Mr. CULBREATH. 1897.

Mr. RICE. In Florida?

Mr. CULBREATH. Right here in Tampa.

Mr. RICE. How much education did you have?

Mr. CULBREATH. Oh, about 2 years of college.

Mr. RICE. You finished college when?

Mr. CULBREATH. I didn't finish college.

Mr. RICE. You finished your 2 years when?

Mr. CULBREATH. When the First World War broke out.

Mr. RICE. Then what did you do?

Mr. CULBREATH. I went to the Armed Forces.

Mr. RICE. What did you do when you left the Army?

Mr. CULBREATH. When I came out of the Army I went to work for Armour & Co.

Mr. RICE. For Armour & Co., here in Tampa?

Mr. CULBREATH. Right.

Mr. RICE. As a what?

Mr. CULBREATH. As a helper in the beef cooler?

Mr. CULBREATH. Yes, sir.

Mr. RICE. What was your salary in those good old days?

Mr. CULBREATH. Well, that's pretty hard to remember. I think it was about \$15 to \$20, somewhere along there.

Mr. RICE. This was one of your first jobs, wasn't it?

Mr. CULBREATH. Yes, sir. I wasn't but about 18 or 19 years old then.

Mr. RICE. You were a little older than that. You said you were born in 1897, didn't you?

Mr. CULBREATH. 1897, and I am 53 now.

Mr. RICE. That was '21.

Mr. CULBREATH. I can't remember all those things, but I know the year I was born.

Mr. RICE. How long did you work for Armour & Co.?

Mr. CULBREATH. Oh, around 3 years.

Mr. RICE. Around 3 years?

Mr. CULBREATH. Yes, sir.

Mr. RICE. And then what happened?

Mr. CULBREATH. I left them.

Mr. RICE. What did you do then?

Mr. CULBREATH. I accepted a better position.

Mr. RICE. You got a better job. What was that?

Mr. CULBREATH. Selling meat with another company.

Mr. RICE. What company was that?

Mr. CULBREATH. I had better interrupt you here. It seems like you are skipping some part of it. Maybe it will be material to what you are getting to.

Senator HUNT. Sheriff, might I suggest that you just answer the questions so we won't get into any long discussions. I think if you will just answer the questions as they are asked, then if we miss any of it that will be our bad luck.

Mr. CULBREATH. I know, but I don't want to be made to look—

Mr. RICE. You went from Armour & Co. where?

Mr. CULBREATH. St. Louis Independent Packing Co.

Mr. RICE. Here in town?

Mr. CULBREATH. St. Louis, Mo.

Mr. RICE. You worked out there?

Mr. CULBREATH. I worked for the St. Louis Independent Packing Co.; yes.

Mr. RICE. What salary did you draw there?

Mr. CULBREATH. A commission.

Mr. RICE. How long were you with them?

Mr. CULBREATH. Approximately 7 years.

Mr. RICE. Seven years?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Did you get married during that time?

Mr. CULBREATH. No, sir.

Mr. RICE. When were you married?

Mr. CULBREATH. Before I left Armour.

Mr. RICE. What year was that?

Mr. CULBREATH. I think that was in '19.

Mr. RICE. You remember that?

Mr. CULBREATH. Yes, sir. You can't put me on the spot with that. You know I have to go home tonight if you will let me.

Mr. RICE. How many children do you have?

Mr. CULBREATH. I have two.

Mr. RICE. Two children?

Mr. CULBREATH. Yes, sir.

Mr. RICE. A boy and a girl?

Mr. CULBREATH. No, sir.

Mr. RICE. Two boys?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Is one living at home?

Mr. CULBREATH. No, sir.

Mr. RICE. Both of them—

Mr. CULBREATH. Now both of them are gone. One of them was living at home until Tuesday.

Mr. RICE. One of them just left?

Mr. CULBREATH. One of them just left. He is now in the mountains of Pennsylvania on his honeymoon.

Mr. RICE. You were with the St. Louis company for 7 years, then what—during that time what was your approximate annual earnings on your commissions?

Mr. CULBREATH. That will be awfully hard to tell you.

Mr. RICE. Well, approximately.

Mr. CULBREATH. I made ten or twelve thousand a year.

Mr. RICE. During those years?

Mr. CULBREATH. Yes sir.

Mr. RICE. When were your children born? What years?

Mr. CULBREATH. The oldest boy is 29 and the youngest boy is 24. The oldest boy is in the Navy. He is a graduate of the Naval Academy and he is stationed in San Francisco. He is on the admiral's staff on the western frontier. The youngest boy is working.

Mr. RICE. Who was your immediate superior at the St. Louis Packing Co.?

Mr. CULBREATH. He is dead, I think. I think his name was either Buchanan or Bischoff—something like that, but I think they are both dead.

Mr. RICE. Is it still in existence?

Mr. CULBREATH. No, sir.

Mr. RICE. What became of it?

Mr. CULBREATH. It was bought by Swift & Co., I think.

Mr. RICE. Absorbed by Swift?

Mr. CULBREATH. Yes, sir.

Mr. RICE. You were with them 7 years. Were you working in this area?

Mr. CULBREATH. Yes.

Mr. RICE. You were the local representative?

Mr. CULBREATH. I brought in the first route car into this part of the country. These people in this part of the world didn't know what a route car was until I started with St. Louis Independent. The first fresh loins of pork that were shipped here were shipped by them.

Mr. RICE. Why did you leave the St. Louis Co.?

Mr. CULBREATH. I left the St. Louis Co. to go with another packer.

Mr. RICE. Who was that?

Mr. CULBREATH. I think it was John Morrell.

Mr. RICE. How long were you with John Morrell?

Mr. CULBREATH. Well, that was less than a month, I think. Excuse me—less than a year.

Mr. RICE. Where is John Morrell now?

Mr. CULBREATH. They have two or three companies. One is in Sioux Falls, S. Dak., and one is in Wichita Falls, I think they have another one now.

Mr. KLEIN. Austin, Minn.

Mr. CULBREATH. Austin, Minn.

Mr. RICE. Were you working for them under the same arrangement—commissions?

Mr. CULBREATH. No. When I worked for John Morrell I think it was \$150—a \$150 a week job, but I am not positive about that.

Mr. RICE. About what year was that?

Mr. CULBREATH. Now you have got me.

Mr. RICE. Well, approximately?

Mr. CULBREATH. Well, I was with Armour around 3 years and I was with St. Louis about 7, and it followed that. You can figure that out for me.

Mr. RICE. About 1930?

Mr. CULBREATH. I wouldn't say 1930, no. You see me later and I'll get a pencil and work it out for you.

Mr. RICE. Let's work it out now.

Mr. CULBREATH. I won't attempt to do that.

Mr. RICE. Why not?

Mr. CULBREATH. Because I can't attempt to say whether it was 1930, 1932, or 1931.

Mr. RICE. You can add 7 and 3, can't you?

Mr. CULBREATH. Yes; I can add 7 and 3.

Mr. RICE. You started right after the war.

Mr. CULBREATH. I am giving it to you the way I remember it. You are asking me for answers—

Mr. RICE. I want to know what year you were with Morrell.

Mr. CULBREATH. I said I didn't know. You can contact Morrell and get that record.

Mr. RICE. Which you can't remember?

Mr. CULBREATH. No, sir; I wouldn't attempt to do that.

Mr. RICE. Can you come within 2 years of when that was?

Mr. CULBREATH. I wouldn't say that I could.

Mr. RICE. After you left John Morrell, what did you do?

Mr. CULBREATH. I went with Jacob E. Decker & Sons.

Mr. RICE. What did you do there?

Mr. CULBREATH. I sold meat.

Mr. RICE. Where is their head office?

Mr. CULBREATH. They are in Sioux Falls—wait a minute—Mason City, Iowa.

Mr. RICE. How long did you work with them?

Mr. CULBREATH. Approximately 6 or 7 years, or 8 years.

Mr. RICE. What years were those?

Mr. CULBREATH. Well, I can tell you better when I left them. I think it was about 1934, 1933, or 1934, when I finished with Jacob E. Decker & Sons.

Mr. RICE. You were with them 7 years?

Mr. CULBREATH. Yes, sir; approximately 7 years.

Mr. RICE. And that was from 1934?

Mr. CULBREATH. No—yes, 1933 or 1934.

Mr. RICE. That was in a depression, wasn't it?

Mr. CULBREATH. I think it was depression along then.

Mr. RICE. What did you earn with Decker?

Mr. CULBREATH. Well, I earned various amounts.

Mr. RICE. What was your approximate annual income?

Mr. CULBREATH. Well, some weeks I would make——

Mr. RICE. Annually?

Mr. CULBREATH. That's going to be hard to say, but I imagine it was around, maybe, eight or nine or ten thousand dollars.

Mr. RICE. During the depression?

Mr. CULBREATH. Yes sir.

Mr. RICE. Now, there is something wrong with my addition, I think.

Mr. CULBREATH. There could be.

Mr. RICE. Because I have got 7 years with one company, 7 years with another, 3 years with another, 1 year with another. Eighteen years, I have, after World War I, and only up to 1934.

Mr. CULBREATH. What is the difference, sir? How many years have we lost somewheres along the road?

Mr. RICE. According to my calculation it only goes to 15 years.

Mr. CULBREATH. I am giving it to you just—you can check the records. If I don't give you the number of years correctly you can go back and check that.

Mr. RICE. You wouldn't want to tell me and straighten it out?

Mr. CULBREATH. I am giving it to you the best I can.

Mr. RICE. You are the only source of information I have.

Mr. CULBREATH. Yes, sir; and you should rely on it.

Mr. RICE. All right. You left Decker in 1934. Then what did you do?

Mr. CULBREATH. I was in the constable's office.

Mr. RICE. As a what?

Mr. CULBREATH. As a constable.

Mr. RICE. You mean you were the chief constable, starting in 1934?

Mr. CULBREATH. Or was the chief constable in my district. I was the only constable in my district.

Mr. RICE. All right, what was your salary as constable?

Mr. CULBREATH. \$7,500 a year.

Mr. RICE. In 1934?

Mr. CULBREATH. Yes, sir.

Mr. RICE. All right, how long were you in that position?

Mr. CULBREATH. Well, I took that job in 1932, and I might clarify that a little bit, because you are going to ask another question, and I might just as well clear it up now. My first year or two as constable, I sold meat in the daytime and worked as constable at night. And I may say the law allowed \$7,500 a year.

Mr. RICE. All right, sir. In any event you stopped selling meat in 1934 and became a full-time constable then?

Mr. CULBREATH. Yes.

Mr. RICE. How long did you stay in that capacity?

Mr. CULBREATH. Eight years?

Mr. RICE. From 1932 until 1940?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Now, then, when you became constable, where were you living in 1932?

Mr. CULBREATH. Well, I was living here in Tampa. Of course, I don't remember whether I was living on Tampa Boulevard. I believe that's where it was. Tampa Boulevard—they've got so many boulevards, Tampa Boulevard, Tambay, Tampa Street—I get confused sometimes, Tampa Boulevard.

Mr. RICE. Where did you live on Tampa Boulevard? You lived in a house?

Mr. CULBREATH. Yes, sir.

Mr. RICE. You owned the house?

Mr. CULBREATH. I have always lived in a house. I was renting that house.

Mr. RICE. You were renting that house?

Mr. CULBREATH. Yes.

Mr. RICE. When did you first acquire a house?

Mr. CULBREATH. Oh, I bought a house, a home, and I believe it was 1938, I think—1937 or 1938, when I bought it.

Mr. RICE. That was your first house?

Mr. CULBREATH. No; I built a home, but during the depression I had gotten overboard there too much—more than it was worth—so I got the mortgagee, as they call them, to take it up.

Mr. RICE. Did you lose anything in that?

Mr. CULBREATH. Yes; I lost what I had in it.

Mr. RICE. How much was that?

Mr. CULBREATH. I don't know.

Mr. RICE. Wait a minute now.

Mr. CULBREATH. I don't know.

Mr. RICE. What did you lose?

Mr. CULBREATH. I lost what money I had in it.

Senator HUNT. Sheriff, don't be quite so evasive. Now, you can estimate what you had in the home. Any of us can do that. Answer the question approximately, what you had in the home.

Mr. CULBREATH. Senator, if I had to answer it to save my life here to tell you how much I had there, I couldn't do it.

Senator HUNT. Well, was it a moderate home?

Mr. CULBREATH. It was a moderate home.

Mr. RICE. Was it an expensive house?

Mr. CULBREATH. The home cost about \$15,000, I think it was.

Mr. RICE. And you lost the home?

Mr. CULBREATH. I didn't lose the home, I lost what I put into it.

Mr. RICE. You don't know how much you had in it? Had you one-third paid out or one-half of it, or was it nearly paid out?

Mr. CULBREATH. I would say I had a third, maybe half of it.

Mr. RICE. Approximately then?

Mr. CULBREATH. I would say I had a third—maybe a half, I don't remember.

Senator HUNT. Approximately then, you took a loss of around, estimated, \$7,500 to \$8,000?

Mr. CULBREATH. I may have taken that much. It may be a little excessive.

Senator HUNT. But that is a fairly approximate answer then to the question?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Then, if you had put up around \$5,000 in this home, if you had one-third, the rest was on a mortgage?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Why didn't you save that home, Sheriff? You bought it and you wanted to live in it.

Mr. CULBREATH. That's right.

Mr. RICE. A few minutes ago you mentioned about a depression?

Mr. CULBREATH. Yes. Well, that came along, and I figured I could lose it and buy something much cheaper and get by until the depression was over, and would be better off.

Mr. RICE. Were you affected by the depression? Were you having financial fever?

Mr. CULBREATH. I think everyone was affected by it. I don't know whether you were old enough then to be affected by that or not, but it affected most everyone down in Florida. Because our money came from the North. We thought it was coming from the North.

Mr. RICE. I think it affected all of us.

Mr. CULBREATH. Yes.

Mr. RICE. You would like to have saved your home, would you not?

Mr. CULBREATH. Well, I'm just like you. I am human.

Mr. RICE. And you were not able to?

Mr. CULBREATH. I was able to if I wanted to but it wasn't a good deal with the depression on.

Mr. RICE. How could you have saved it?

Mr. CULBREATH. By paying for it.

Mr. RICE. What would you have used to pay for it?

Mr. CULBREATH. Money that I had.

Mr. RICE. How much money did you have then?

Mr. CULBREATH. I don't know how much money I had then. I had money enough to save it.

Mr. RICE. Just what did you have then?

Mr. CULBREATH. I can't answer your question. I don't believe you could tell me how much money you had in your pocket this morning.

Mr. RICE. Oh, yes; I can.

Mr. CULBREATH. I'll bet you can't.

Mr. RICE. Now, listen. You were about to lose \$5,000 in your home. Now, I want to find out why you were able to withstand that loss when you could have saved it, and if things were going down hill, if you were losing out, you are certainly going to do everything you can to stem that tide. Now, you are not willingly going to lose \$5,000 invested in your house if you have the necessary funds to hold it. Now, how much money did you have then?

Mr. CULBREATH. How much did I have in the beginning?

Mr. RICE. No; I know that. You told us \$5,000 approximately.

Mr. CULBREATH. I said it could be less and it could be more.

Mr. RICE. You said you had about one-third?

Mr. CULBREATH. Yes.

Mr. RICE. Now, we won't quibble about that. Now, what in addition to that investment did you have at that time by way of assets?

Mr. CULBREATH. I had some cash money.

Mr. RICE. You had some cash money?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Where did you have it?

Mr. CULBREATH. I had it in a locked box.

Mr. RICE. How much did you have?

Mr. CULBREATH. I couldn't answer that.

Mr. RICE. Well, now, let's see. You can come a little closer than that. Where was the lock box?

Mr. CULBREATH. In my home.

Mr. RICE. What sort of lock box was it?

Mr. CULBREATH. A sealed box.

Mr. RICE. A movable box?

Mr. CULBREATH. Yes.

Mr. RICE. This was in your rented home?

Mr. CULBREATH. Yes, sir.

Mr. RICE. How much did you have in the box?

Mr. CULBREATH. In the other home, too.

Mr. RICE. When did you first start keeping that box?

Mr. CULBREATH. Well, when I started making money back in the meat business.

Mr. RICE. In the meat business?

Mr. CULBREATH. Yes.

Mr. RICE. You were putting money in there. What was the most you ever had in the box?

Mr. CULBREATH. You are fixing to get me robbing somebody?

Mr. RICE. Listen, let's don't be facetious. This is a serious matter. I want to know how much you had in the box at the time you lost that house.

Mr. CULBREATH. I had several thousand dollars.

Mr. RICE. Well, would you say two?

Mr. CULBREATH. More.

Mr. RICE. Three?

Mr. CULBREATH. More.

Mr. RICE. Four?

Mr. CULBREATH. Well, more than that. I don't know how much I had.

Mr. RICE. Well, you know it was more than that. How much was it?

Mr. CULBREATH. I don't know, Mr. Rice. That was back in 1932, 1933, and 1934, along there.

Mr. RICE. When you were having this trouble with the house, the big problem in your life, how much money did you have when you made this decision to let the house go?

Mr. CULBREATH. I won't be able to answer that, to tell you how much, because I couldn't tell you how much, because I couldn't tell you how much I have in my pocket today, and I don't believe 90 percent of the people in this country can tell.

Mr. RICE. What is the closest you can come to how much you had?

Mr. CULBREATH. That question I can't answer.

Mr. RICE. Was it less than \$10,000?

Mr. CULBREATH. It could be. It could be more.

Mr. RICE. Was it less than \$9,000?

Mr. CULBREATH. It could be, and it could be more.

Mr. RICE. How much less could it have been?

Mr. CULBREATH. I don't know.

Mr. RICE. You were about to lose \$5,000. Now, you know how much you had to save that with?

Mr. CULBREATH. Yes; that is what we have been talking about.

Mr. RICE. Yes. At the time you lost the house, that was 1932?

Mr. CULBREATH. I don't know the year that I lost it.

Mr. PIERCE. Mr. Chairman, I don't want to object. I don't like to use the term "object" because this is not a trial. Although it is in a courtroom, it is not a trial, but I do appeal to the fairness of the chairman as to the use of the word "lost." I believe the testimony of the witness is that he didn't lose it. He voluntarily gave it up because the valuation went down so.

Senator HUNT. Well, now, Mr. Pierce—

Mr. PIERCE (interrupting). That it wasn't worth keeping on paying for it. And the word "lost" gives a different meaning.

Senator HUNT. Mr. Pierce, well, now, let me suggest to you that you are not on the witness stand. You are here due to the courtesy of the committee.

Mr. PIERCE. I appreciate that.

Senator HUNT. The extent of your participation is to advise your client and not to inform the committee, and so, if you will confine your activities in the hearing to advising your client, then we will make better progress.

Mr. RICE. Now, sir, I think I would like to ask the chairman to direct the witness to give an exact answer as to how much money he had in the tin box at the time that he was unable to hold onto the house that he had built.

Senator HUNT. Sheriff, do you care to answer that?

Mr. CULBREATH. Senator, I have answered it to the best of my ability. That is all that any man can do.

Senator HUNT. Well, will counsel repeat the question?

Mr. RICE. How much money did you have in the lock box at the time you lost the house?

Mr. PIERCE. I object to the question, may it please the chairman, because of the use of the word "lost."

Senator HUNT. Sheriff, will you give the committee whatever statement you wish to make now with reference to the question?

Mr. CULBREATH. I don't know how much was in the box. It could have been less than the figures that the gentleman has mentioned or it could be more, and I don't know, and there is no way for me to answer it any better than that. If I knew I would be glad to answer it for him, but this happened many years ago. He is talking about something that is almost 40 years old, and I am sure that you, the chairman of the committee, is fair and knows that the average person can't remember things that long ago.

Senator HUNT. I think your answer is a fair answer.

Mr. RICE. Let me put it this way. What is the widest possible differential between what you had in there and the minimum and maximum? What would have been the lowest possible or the largest amount possible in the box?

Mr. CULBREATH. I may have had—I am going to have to make a rough answer and estimate. I might have had thirty thousand.

Mr. RICE. And what is the minimum you might have had?

Mr. CULBREATH. Well, I might have had at least nine or ten thousand. Maybe more.

Mr. RICE. So it was somewhere between nine and ten and thirty thousand dollars?

Mr. CULBREATH. You are getting right back, I think, to the same kind of question. I want to be fair to you and give you a good answer if I can, but you are just trying to pin me down too close.

Mr. RICE. That is exactly right. We would like to know exactly what was there.

Mr. CULBREATH. And I would like to be able to answer your questions just the way you want, so that you would be satisfied.

Mr. RICE. Now, at the time you had the tin box, what other holdings did you have, Sheriff?

Mr. CULBREATH. I haven't referred to that as a tin box. I think I have referred to it as a steel box or iron box, but you keep referring to it as a tin box. I don't know whether that is cheating me or not.

Mr. RICE. Well, did you have a bank account at that time?

Mr. CULBREATH. I might have had one; yes, sir.

Mr. RICE. Have you always maintained a bank account?

Mr. CULBREATH. Sometimes I carry a little money in the bank. Sometimes I carry more.

Mr. RICE. Well, did you have a bank account at that time?

Mr. CULBREATH. Well, I imagine I did, but I wouldn't swear that I did.

Mr. RICE. Well, we are not interested in imagination, Sheriff. We are interested in what happened. What was it?

Mr. CULBREATH. I am not going to answer the question unless I can give you facts.

Mr. RICE. Did you have a bank account at that time?

Mr. CULBREATH. Without checking I couldn't answer that. I am quite sure that I did but I am not positive.

Mr. RICE. If you did, where did you have it?

Mr. CULBREATH. It would have been in the Citizens Bank or it may have been the bank in Ybor City. I have forgot. They changed the name of it.

Mr. RICE. If you did have a bank account it was either in the Citizens Bank or the bank in Ybor City?

Mr. CULBREATH. The bank out there, they changed the name of it. I think I had an account there, but I don't remember where. I may be confused.

Mr. RICE. Is that bank still in existence?

Mr. CULBREATH. Well, the one I am talking about is not.

Mr. RICE. Which one is that?

Mr. CULBREATH. The Citizens Bank is not, and I think the one in Ybor City changed the name.

Mr. RICE. But it is the same bank?

Mr. CULBREATH. I think so.

Mr. RICE. Was that bank closed during the bank holiday during the depression?

Mr. CULBREATH. I think all banks closed during the holiday.

Mr. RICE. Yes.

Mr. CULBREATH. When President Roosevelt closed them all.

Mr. RICE. Did it liquidate and go out of business or did it continue?

Mr. CULBREATH. No; it went out of business.

Mr. RICE. It went out of business?

Mr. CULBREATH. Yes, sir.

Mr. RICE. So that bank, if you had an account there, was no longer in existence?

Mr. CULBREATH. That is the Citizens Bank, in what they call the Citizens Building.

Mr. RICE. I am talking about the Ybor City Bank.

Mr. CULBREATH. The Ybor City Bank, it was probably taken over by the other bank, or it just changed the name. That is what I think about that. I am not sure.

Mr. RICE. It is a proposition of somewhere between nine and thirty thousand dollars in the locked box. Now, how much was in the bank account?

Mr. CULBREATH. I don't know.

Mr. RICE. Approximately?

Mr. CULBREATH. I can't answer. The record is the best source of information.

Mr. RICE. What is your best guess?

Mr. CULBREATH. I wouldn't trust it.

Mr. RICE. Do you have any record—your records for those days?

Mr. CULBREATH. No, sir.

Mr. RICE. What became of them?

Mr. CULBREATH. Well, being a fellow of my type—

Mr. RICE (interrupting). Of what?

Mr. CULBREATH. Being a man of my type, the way I live, maybe you have noticed from here that I don't have very many records or very good records. Most people don't. The only people are the highly trained in school that keep those records. We are beginning to get more educated now. But people that really have a good education—

Mr. RICE (interrupting). Narrowing it down. You don't have any record of that time?

Mr. CULBREATH. That is what I said.

Mr. RICE. All right, sir. Now, what would be your best guess as to how much you had in your bank account, if you had any? You had more money in the bank than you had in the lockbox?

Mr. CULBREATH. Oh, no.

Mr. RICE. But why did you keep it in the lockbox?

Mr. CULBREATH. Well, I don't know of any law in this country.

Mr. RICE. This was not a question of law. It is a question of your policy?

Mr. CULBREATH. That's right.

Mr. RICE. Why did you do it?

Mr. CULBREATH. It was my policy.

Mr. RICE. It was something you had a privilege and prerogative about?

Mr. CULBREATH. It was my policy.

Mr. RICE. What is your thinking on that?

Mr. CULBREATH. Well, I don't remember just what I was thinking.

Mr. RICE. Well, you don't know why you kept it in a lockbox instead of a bank, is that it?

Mr. CULBREATH. No, sir; I didn't say that.

Mr. RICE. Well, what is your answer?

Mr. CULBREATH. To what?

Mr. RICE. As to why you kept your money in a lockbox in your house instead of in the bank, which is customary?

Mr. CULBREATH. I said that was my policy. You mentioned policies of people and I said that was my policy.

MR. RICE. It was your policy to keep money at home instead of in the bank?

MR. CULBREATH. Yes, sir. I keep money at home and I keep money in my office and I keep money in a lot of places. If you had money in the bank back there when they had all those bank runs, you wouldn't have had any. You would have been wiped out.

MR. RICE. How about a safety deposit box?

MR. CULBREATH. Then?

MR. RICE. Yes.

MR. CULBREATH. No, sir.

MR. RICE. Did anybody lose money in a safety deposit box in the bank?

MR. CULBREATH. I don't know, sir. I am not qualified to answer the question.

MR. RICE. Well, you told me a lot of people lost money in the bank?

MR. CULBREATH. Yes, sir.

MR. RICE. No one lost money in the safety deposit box in the bank, did they?

MR. CULBREATH. I don't know the law on a safety deposit box.

MR. RICE. There isn't any law on it. You have a place of safe-keeping.

MR. CULBREATH. Well, I have answered the question.

MR. RICE. In other words, in your estimation your money was safer in a lockbox in your house—a rented house—than it was in a safety deposit box in the bank?

MR. CULBREATH. I think I am a firm believer in a bird in the hand is worth two in the bush.

MR. RICE. I see. I think that is a pretty good answer. Now, then, what other assets did you have at that time? Did you own any other property?

MR. CULBREATH. That is back around 1932 to 1934?

MR. RICE. Yes.

MR. CULBREATH. Well, back in there—I don't know whether I had any property or not. The record is the best source of that information, and I have turned over to you all the deeds that I had on the property that I had any interest in.

MR. RICE. Right now, we are interested in hearing from you on that.

MR. CULBREATH. I am fixing to tell you of some other source of income that you haven't touched on, and that you probably will want to know about.

MR. RICE. All right, sir.

MR. CULBREATH. During that time I was interested in a commercial fishing business and I owned some—well, what they call a commercial crew, consisting of two power boats. And maybe some four to six or seven net boats, along with the nets, and everything that goes with that, to make up that crew. And for many years there—

MR. RICE. Try to fix the period.

MR. CULBREATH. I made quite a lot of money from that enterprise.

MR. RICE. What was the name of that enterprise?

MR. CULBREATH. There was no name. That was just where I financed a bunch of fishermen. The gear belonged to me and the men fished for me, and the owner of the gear cuts one-third, and two-thirds would be split among them, among the number of men that were participating in the venture.

Mr. RICE. And you say you owned the gear?

Mr. CULBREATH. Yes, sir.

Mr. RICE. You say you owned the gear?

Mr. CULBREATH. Yes, sir.

Mr. RICE. What was the gear worth in 1932?

Mr. CULBREATH. That gear was probably worth \$10,000 or more than that. Probably I had up to eight, twelve or fifteen thousand dollars in it.

Mr. RICE. In 1932?

Mr. CULBREATH. Yes, sir; even back in 1930, because when you buy nets from these national net companies, you do not buy them on credit. You pay cash for them.

Mr. RICE. Who were some of the fishermen who operated these vessels?

Mr. CULBREATH. The boys that operated mine, and at first I had a brother that was in there for a while, and from him it went into the control of a—

Mr. RICE. What was his name?

Mr. CULBREATH. Ernest. And then from him it went into the hands of Joe Jones, and I think, if you will check, probably you already have, but if you will, you will find from checking on the waterfront that Joe Jones had the reputation of being the best commercial fisherman in this section.

Mr. RICE. What became of Joe Jones?

Mr. CULBREATH. He is dead. I used two of his brothers, Bill and Alec, and both of them died. They all died from tuberculosis, but for fishermen there was none better.

Mr. RICE. Who kept the records of that venture?

Mr. CULBREATH. There was no records kept. At the end of the week we would settle up. I would take one-third. Of course, we would pay expenses and the owner would take one-third of what is left, and the crew kept two-thirds.

Mr. RICE. You kept no records at all?

Mr. CULBREATH. No, sir.

Mr. RICE. When it came time to pay income tax, how did you know how much you made?

Mr. CULBREATH. At that time I was in the constable's office and I was informed that I did not have to file income tax reports, that is, public officials did not; therefore, for the period of 8 years there, there was no income tax filed by me.

Mr. RICE. So that from 1932 to 1940 you filed no Federal tax return, did you?

Mr. CULBREATH. I don't think so, because public officials, as I understand it, did not, I was so informed.

Mr. RICE. Was this fishing business a public official job?

Mr. CULBREATH. No; it was not a public official job. It was on the side, and possibly, I learned later on that maybe under the law I should have filed an income tax return on that.

Mr. RICE. Would it not be a fair interpretation to say that your concept was that being a public official entitles you to operate a private business which would produce a substantial income, and the fact that you were a public official that you should not file an income tax return?

Mr. CULBREATH. If you would break that question down into shorter questions, I will be glad to answer it for you.

Mr. RICE. I think you understand.

Mr. CULBREATH. No, sir; I do not.

Mr. RICE. You concede that the fishing business was a private enterprise?

Mr. CULBREATH. Yes, sir.

Mr. RICE. It was not in any way connected with the official duties?

Mr. CULBREATH. No, sir; it had no connection with my official duties.

Mr. RICE. Why did you not file tax returns on that?

Mr. CULBREATH. I understood and was informed that, being a public official, I was not required to by the law. So I did not, but since then I have learned that maybe I erred; and, if I did, I could not do anything about it but do what I have to do.

Mr. RICE. So you think that you may have been wrong?

Mr. CULBREATH. No. Understand that was when I first got into politics. I don't know whether you have ever been in politics or not, but there is a lot of things you learn there. It is quite an education.

Mr. RICE. When did you become enlightened?

Mr. CULBREATH. Well, after I was elected sheriff, I think—I don't know whether it was the Supreme Court or who; maybe it was President Roosevelt—someone ruled that public officials had to file income-tax reports, and from that day on I started to file income-tax reports.

Senator HUNT. It was an act of Congress. It was along about 1935 or 1936.

Mr. PIERCE. And it was the policy of public officials around Tampa, from my own knowledge here, that they did not. Whether they were wrong or not, that is beside the issue. He was not alone in that regard.

Senator HUNT. It was a well-known fact, of course, that salaries of public officials were not subject to income tax. It had no reference, whatsoever, to income other than from official sources.

Mr. RICE. All right. What became of that business?

Mr. CULBREATH. Well, when I got in the sheriff's office and I got a little more in the limelight of the public, I thought, for my own welfare, politically, that it was best for me to get out of business in competition with other people, and I did.

Mr. RICE. In other words, you felt that, having been elected sheriff, which is presumably a full-time job, it would be better to devote your full time to it?

Mr. CULBREATH. Yes, sir; and, as stated awhile ago, these boys that were best qualified in this country to handle that kind of enterprise passed on.

Mr. RICE. During the years, what would you calculate was your average net income, after your expenses were paid, to yourself?

Mr. CULBREATH. We had better answer that question this way, because that was during the time I was constable. I think the county and State records will show that I made \$7,500 as constable.

Mr. RICE. From the fish business?

Mr. CULBREATH. And in the fish business I would make, probably between five and ten thousand a year.

Mr. RICE. An additional five or ten thousand?

Mr. CULBREATH. Yes, sir.

Mr. RICE. All right.

Mr. CULBREATH. That is the best that I can—the best answer I can give you.

Mr. RICE. You found out somewhere around 1940 that it would be wise and prudent to file a Federal return; did you not?

Mr. CULBREATH. When all of the public officials here started to file, I joined them. I was one of them. They all started together.

Mr. RICE. Did you have any savings at that time?

Mr. CULBREATH. Oh, yes; I still had money.

Mr. RICE. Did it occur to you that it might be also wise to—having found that you had—being in a position of having found out that you might have filed a return in previous years, that you could remedy that situation by filing a return for these years past?

Mr. CULBREATH. No, sir. I have been informed by people who are supposed to make a living—or are familiar anyway with filing income tax, and they advised me not to do it, and I did not do it.

Mr. RICE. You did not feel that you owed anything?

Mr. CULBREATH. I felt that I had made an honest mistake, if it was a mistake; and, as soon as they changed the law or got us straight on it, I complied with it.

Mr. RICE. Having made a mistake, you did not feel compelled to do what you could to rectify it?

Mr. CULBREATH. As well as I remember, I was advised not to, Mr. Rice. The old saying is that it was “water over the dam,” and I let it go.

Mr. RICE. Were you advised that way by lawyers?

Mr. CULBREATH. No, sir; I don't think so.

Mr. RICE. Whom were you advised by?

Mr. CULBREATH. As well as I can remember, it was someone that used to make income-tax reports and familiar with them.

Mr. RICE. Who was it?

Mr. CULBREATH. It could have been Mr. Cathcart, who worked in the justice-of-the-peace office. I think he filed some income-tax reports.

Mr. RICE. He worked in the justice-of-the-peace office?

Mr. CULBREATH. In the justice-of-the-peace court.

Mr. RICE. And he was an income-tax expert?

Mr. CULBREATH. No, sir. I said he would make out some income-tax reports.

Mr. RICE. But you had some advice from people that knew?

Mr. CULBREATH. It could have been him.

Mr. RICE. Then, he was not an expert as far as you are concerned?

Mr. CULBREATH. If you term it that way, I would have to accept it.

Mr. RICE. I ask you how you term it. You said people that knew.

Mr. CULBREATH. I figured that he knew because that is what he had been doing.

Mr. RICE. When you started filing, when was the first year that you filed a Federal return; do you recall?

Mr. CULBREATH. It was in 1940.

Mr. RICE. 1940?

Mr. CULBREATH. Around 1940, as well as I remember.

Mr. RICE. At that time, where were you living?

Mr. CULBREATH. I was living at 5015 Shore Crest.

MR. RICE. When did you move into that address?

MR. CULBREATH. The deed will show. It was about 1938, I think.

MR. RICE. About 1938?

MR. CULBREATH. Maybe 1939. It could be 1937, somewhere in there, but the deed will show that.

MR. RICE. And you bought that house jointly with your wife?

MR. CULBREATH. Yes, sir.

MR. RICE. What did you pay for that, Mr. Culbreath?

MR. CULBREATH. Mr. Rice, I am glad you asked that question. I paid \$2,100. I say I am glad become of some of the—I think that there were some photographers that were taken out by people who are furnishing you information; they took them out there to take photographs of my home, and it probably will appear in Life in a week or two, some large mansion or something—\$2,100.

MR. RICE. Now—

MR. CULBREATH. Plus lots on the side, which I paid \$400 for one and either \$750 or \$800 for one at later dates. The lot I paid \$400 for, the man I bought it from paid over \$10,000 cash for it. He was a former president of the Tampa Gas Co. and he was named Grable or Graybill, or something. I think he is deceased now.

MR. RICE. He paid \$10,000 for it and sold it to you for \$2,100?

MR. CULBREATH. No, sir. You misunderstood me. The lot that the gentleman paid \$10,000 for was sold to me for \$400. It is an adjoining place.

MR. RICE. From who did you buy the house?

MR. CULBREATH. From some insurance company. I don't know.

MR. RICE. You don't know who you bought it from?

MR. CULBREATH. Doesn't the deed show that?

MR. RICE. Did you buy it through a real-estate man?

MR. CULBREATH. Yes, sir; I bought it through a real-estate man.

MR. RICE. Who was he?

MR. CULBREATH. Now, I say I did—I don't know whether I did or not.

MR. RICE. This is the first house you have owned that you lived in; isn't it?

MR. CULBREATH. Well, the first one that I have paid for. I owned one, but this one I paid for.

MR. PIERCE. Mr. Rice, at this point, I believe I gave you an original computation or compilation of all the real-estate holdings he had. I think, unintentionally or inadvertently, I also included all the copies I had. I had a couple of copies, and I don't have a copy left.

MR. RICE. We have a copy.

MR. PIERCE. Could I have a copy?

MR. RICE. Tell us how you came to buy the house, Sheriff? I'm interested in that, whom you dealt with.

MR. CULBREATH. I can't tell you whom I dealt with. I don't remember whether it was Hensley Realty Co. or—you see, we were having so many of them here at that time, and they were handling different properties, until I can't tell you whom I dealt with; but I think the deed will show whom I bought it from, and I think you can contact those people and find out who represented him here.

MR. RICE. As I understand it, this is the first house that you have lived in that you owned. You certainly remember how you came to move into that. That should have been a big event in your life.

Mr. CULBREATH. Well, if you want to call it—it was the National Bondholder's Corp. That's who I bought it from.

Mr. RICE. Whom did you deal with?

Mr. CULBREATH. I don't know.

Mr. RICE. How did you find out about it?

Mr. CULBREATH. Well, if you had been down here, you could ride around and you could see this house vacant with a sign on it "For sale," and see another one vacant, and a sign on it, "For sale," just any and everywhere; and I probably contacted them through that source.

Mr. RICE. You were out looking for a house, then?

Mr. CULBREATH. Well, I could have, or they may have approached me. I don't know. I know there was a difference over price. They wanted \$2,500, I think, for it, or \$2,300, and I offered them \$2,000. We finally got together on \$2,100.

Mr. RICE. The deal was consummated and you moved in?

Mr. CULBREATH. Yes, sir.

Mr. RICE. What do you estimate that house is worth today?

Mr. PIERCE. Do you mean with the lots, Mr. Rice, adjoining?

Mr. RICE. Were the lots in the deal?

Mr. CULBREATH. No; they were not.

Mr. PIERCE. Three lots.

Mr. RICE. You paid extra for the lots?

Mr. CULBREATH. Yes, sir.

Mr. PIERCE. There were two extra lots.

Mr. RICE. There was a total investment of \$2,800.

Mr. CULBREATH. Here were 21, 25—no more than that; 8 and 4 is 12, and 21—

Mr. RICE. Is 33.

Mr. CULBREATH. That is what the three lots and the home—these people were—I only bought the house and one lot for \$2,100.

Mr. RICE. You later acquired these other two lots?

Mr. CULBREATH. That's right, at a later date, after I moved there.

Mr. RICE. But, in any event, your total investment for the house and adjacent lots was \$3,300?

Mr. CULBREATH. Well, I said eight hundred for that. I see it was seven-fifty. I made a mistake on that. It was seven-fifty, four hundred, and twenty-one.

Mr. PIERCE. There was also a strip 9 feet wide that was on an adjoining lot, owned by Mr. Redding. Mr. Redding was a next-door neighbor to the sheriff.

Mr. RICE. Mr. Pierce, we are not interested in your testimony.

Mr. PIERCE. I thought you were interested in the facts.

Mr. RICE. Yes; but you were not there. He was there. We want to hear it from his mouth.

Mr. PIERCE. This comes from the statement I gave you.

Senator HUNT. Listen, Mr. Rice—

Mr. RICE. Mr. Pierce, you mean.

Senator HUNT. Mr. Pierce. I beg your pardon. The committee chairman apologizes most humbly to both gentlemen.

Mr. PIERCE. I am honored.

Senator HUNT. Please confine your advices and your contribution to the hearing to advice to your client, please.

Mr. PIERCE. I was advising my client.

Senator HUNT. But you were talking to the committee. Go ahead, Mr. Rice.

Mr. CULBREATH. May I ask Mr. Rice—I think Mr. Pierce had a blueprint of that property in his file, and I imagine he turned it in. If it is available, I would like to see it and explain it to you.

Mr. RICE. What is that property worth today, Sheriff?

Mr. CULBREATH. Sir?

Mr. RICE. What is that property worth today, in your estimation?

Mr. CULBREATH. Whatever you could get for it.

Mr. RICE. No, no. What is it worth, in your estimation?

Mr. CULBREATH. I don't want to sell it Mr. Rice. It is my home. It is worth more to me than it is to anyone else.

Mr. RICE. Can you fix an approximate value?

Mr. CULBREATH. Well, if you don't want to sell something, how are you going to fix a value?

Mr. RICE. At what figure is it assessed?

Mr. CULBREATH. \$9,800, I believe. I believe that's right.

Mr. RICE. What is the percentage, in general, of the assessment value to the market value?

Mr. CULBREATH. I am not qualified to answer that. The house, the property, was assessed at about \$5,000—\$5,600 or \$5,700—and then there was a lot said around here about low assessments a year or so ago. They wanted them to be assessed around market value, whatever it was worth, so the tax assessor raised our assessments, and of course we have a homestead exemption law in this State, where you can exempt \$5,000, so they pushed it up to \$9,800, I guess to get a little more taxes off of it.

Mr. RICE. When you bought that house, how did you pay for it?

Mr. CULBREATH. I don't know whether I paid in check or cash.

Mr. RICE. You did pay, by either one?

Mr. CULBREATH. Yes, sir I paid for it. I can testify to that for sure.

Mr. RICE. If you paid by check, on what bank would that have been?

Mr. CULBREATH. That would have been through the Citizen's Bank, I think it was. Well, I don't know. I don't know whether the Citizen's—either the Citizen's or the First.

Mr. RICE. Did you have two accounts at that time?

Mr. CULBREATH. Well, I am not sure of that, Mr. Rice.

Mr. RICE. Did you have more than two?

Mr. CULBREATH. Yes; I have had—no; I have had two, along.

Mr. RICE. This was about 1938?

Mr. CULBREATH. A lot of times, in doing business with the packers, I made the deposits for the packers, and I would sometimes have to carry an account of my own, you see.

Mr. RICE. All right, sir. Do you recall where the settlement took place, who handled the settlement, who handled the title search?

Mr. CULBREATH. No, sir; I don't know what lawyer handled that for me. I believe Mr. Allen did, LeRoy Allen.

Mr. RICE. Mr. Allen?

Mr. CULBREATH. Yes, sir.

Mr. RICE. And did he handle the transfer of the money to the seller?

Mr. CULBREATH. Well, I am sure that he was there.

Mr. RICE. He was there?

Mr. CULBREATH. Yes, sir. He handled it or—because I wouldn't have paid the people—

Mr. RICE. But you paid the money directly to the people from whom you bought it. Is that it?

Mr. CULBREATH. No, sir; I wouldn't say that. I may have paid it to Mr. Allen and he paid it.

Mr. RICE. That was more probably the way it was done—through Mr. Allen?

Mr. CULBREATH. I don't remember. That is the reason I am answering that way.

Mr. RICE. Is he living?

Mr. CULBREATH. Yes, sir. He is a practicing attorney here. He is attorney for Atlantic Coast Line Railroad—division counsel.

Mr. RICE. All right, sir.

Coming down to 1940, you had Shorecrest?

Mr. CULBREATH. I had some property—no; I don't know whether I had any property before that or not. You have a record there to show. I don't know.

Mr. RICE. Don't you remember?

Mr. CULBREATH. No, sir; I don't.

Mr. RICE. When you went into the sheriff's office, do you remember what property you had?

Mr. CULBREATH. No. Well, I think I had that before I went into the sheriff's office, this one we are talking about.

Mr. RICE. Did you have anything else?

Mr. CULBREATH. I may have had a lot or two. I don't know. I wouldn't answer that. Take it either way you want it—that I did or didn't, whichever way you want it.

Mr. RICE. I want it the way it was.

Mr. CULBREATH. I don't know.

Mr. RICE. You don't know when it was?

Mr. CULBREATH. I don't know without going back and searching the record to find out. I wouldn't be able to answer it, but if you want to say that I did, all right, I will say I did.

Mr. RICE. What is your best recollection as to what property, outside of Shorecrest, you had?

Mr. CULBREATH. As I say, I had the lot here that I bought on May 18, 1937.

Mr. RICE. Where is that?

Mr. CULBREATH. That is in Culbreath Beach.

Mr. RICE. How much did you pay for that?

Mr. CULBREATH. I find that I had another lot, another piece of property, in Woodward Terrace, on December 1, 1926.

Mr. RICE. 1926?

Mr. CULBREATH. Yes, sir.

Mr. RICE. What type of property was that?

Mr. CULBREATH. This was a lot, and I find that I had another lot, dated December 21, 1933.

Mr. RICE. What was the value you paid for that?

Mr. CULBREATH. Which, which one?

Mr. RICE. The 1936 lot and the 1933 lot.

Mr. CULBREATH. Well, the 1933 lot was a cemetery lot. That cost \$50.

Mr. RICE. \$50?

Mr. CULBREATH. Yes, sir.

Mr. RICE. How about 1926?

Mr. CULBREATH. The 1926 lot cost \$375.

Mr. RICE. All right, sir. Did you hold onto those properties? Do you still have them?

Mr. CULBREATH. I have them today. I have that cemetery lot for a future date.

Mr. RICE. So that when you went into the sheriff's office, we've got Shorecrest, the 1926 lot, the 1933 lot. Anything else?

Mr. CULBREATH. Well, that lot in Culbreath Beach.

Mr. RICE. How much did you pay for that?

Mr. CULBREATH. \$75.

Mr. RICE. So you've got \$75, \$50, and \$300?

Mr. CULBREATH. \$375.

Mr. RICE. \$375. and Shorecrest, at, ultimately, \$3,300. All right, sir—anything else?

Mr. CULBREATH. Up to when?

Mr. RICE. Until you went in the sheriff's office?

Mr. CULBREATH. When I went in the sheriff's office?

Mr. RICE. Yes, sir.

Mr. CULBREATH. No. I think that is—I think maybe that's all I owned when I went in the sheriff's office.

Mr. RICE. Think hard.

Mr. CULBREATH. Well, if it is not listed here I don't own it.

Mr. RICE. All right, sir.

Now, when you went in the sheriff's office, did you still have your lockbox?

Mr. CULBREATH. Yes.

Mr. RICE. How much was in your lockbox?

Mr. CULBREATH. I don't know, sir.

Mr. RICE. Well, do you want, again, to set a minimum and maximum figure?

Mr. CULBREATH. I don't want to, because it would be incorrect, that is, very—it just wouldn't be good, that is, close.

Mr. RICE. Let's see how close you can come. This was only 9 years ago.

Mr. CULBREATH. Yes; but I didn't go and check every year or every day what I have or don't have.

Mr. RICE. Let's see how close you can come.

Mr. CULBREATH. You go ahead.

Mr. RICE. No. Give me a minimum and maximum figure. You are the one that is testifying.

Mr. CULBREATH. I know I am. I am trying to answer all your questions that you ask me, but you have asked me the \$64 question.

Mr. RICE. Yes; I think it is. Was there \$64 in there?

Mr. CULBREATH. Yes, sir.

Mr. RICE. How much more?

Mr. CULBREATH. I don't know, sir.

Mr. RICE. What was the most it could have been?

Mr. CULBREATH. Well, maybe—I don't know. Maybe fifty or sixty, maybe twenty-five thousand, forty thousand.

Mr. RICE. Maybe as much as fifty or sixty thousand?

Mr. CULBREATH. I don't know whether there was that much or not, without—I don't know whether I could check it any more accurately.

Mr. RICE. You don't know what?

Mr. CULBREATH. I had \$30,000 or better, I am sure.

Mr. RICE. This is 1940, when you went in the sheriff's office?

Mr. CULBREATH. Yes, sir.

Mr. RICE. You think you had \$30,000 in there?

Mr. CULBREATH. When I went in the sheriff's office, when I was bonded, the bonding company came back and asked for some kind of statement of what I was worth, but I didn't want to give that, because another bonding company wanted to write my bond and they wouldn't require that, and I didn't think it was any of his bonding company's business.

Mr. RICE. Why didn't you want to give them that?

Mr. CULBREATH. Just because I didn't think it was any of their business to know what I had or didn't have. If they wanted to bond me, all right; if they didn't want to bond me, that was all right. I had another one that wanted to bond me. Finally, they talked to me once or twice and talked to my attorney, and my attorney said, "Well, what have you got? Give them part of it." So I did. I didn't know I had this. I had forgotten all about it until I found it. This is a copy of it. It is where I listed that I had \$30,000 there.

Mr. PIERCE. State what it is—an application for sheriff's bond.

Mr. CULBREATH. Application for sheriff's bond, was what it was for.

Mr. RICE. Well, now, you say here in answer to a question, "Give approximate value of your personal property, stating whether household goods, cash on hand or in bank, or anything of value," and you say, "\$30,000 household goods, cash, and bonds." So there wasn't \$30,000, was there?

Mr. CULBREATH. It would have been more, but, as I said, I didn't list everything there. I only gave them part of it.

Mr. RICE. You want to say, then, that this is not an accurate representation of your—

Mr. CULBREATH. That is part of it. That is—

Mr. RICE. That is just part of it?

Mr. CULBREATH. Yes; that is part of it, I had more.

Mr. RICE. Why didn't you give an accurate representation?

Mr. CULBREATH. I didn't know of any reason to give them any more. That was sufficient. I understood that that was all they needed.

Mr. RICE. What would be a good reason for not giving an accurate picture?

Mr. CULBREATH. Well, we all have secrets.

Mr. RICE. Yes?

Mr. CULBREATH. And if you don't want to divulge some information you have, you may have a reason and I may have a reason and the other man may have a reason, and that is our personal business.

Mr. RICE. So that you say you had a secret or secrets?

Mr. CULBREATH. No; I didn't say that I had one, but that I may have one now, and I am sure you have one.

Mr. RICE. So you have secrets now?

Mr. CULBREATH. Sure. Don't you have any?

Mr. RICE. What was your secret at the time you filed that application?

Mr. CULBREATH. I don't know, sir.

Mr. RICE. You don't know what the secret was?

Mr. CULBREATH. No; I don't know even whether I had one. It is just my policy in my business transactions.

Mr. RICE. All right, sir—

Mr. PIERCE. Let the record show that the application, copy of the application, for sheriff's bond, just turned over, now being considered by the committee and the investigators, was voluntarily produced by the sheriff.

Mr. RICE. All right.

Mr. PIERCE. And is not included within the subpena.

Mr. RICE. Thank you. In that \$30,000 figure you have in the application there it says, "Household goods, cash, and bonds."

How much cash was there there?

Mr. CULBREATH. I don't know, sir. I don't know how I broke that down.

Mr. RICE. How much household goods?

Mr. CULBREATH. It was just a figure that we arrived at. We just threw it all in.

Mr. RICE. What bonds were you talking about?

Mr. CULBREATH. Government bonds.

Mr. RICE. Government bonds?

Mr. CULBREATH. Yes.

Mr. RICE. How many Government bonds did you have?

Mr. CULBREATH. I don't remember.

Mr. RICE. Where did you keep them?

Mr. CULBREATH. I kept them in the box.

Mr. RICE. Kept those in the lock box too?

Mr. CULBREATH. Yes.

Mr. RICE. When did you start buying those?

Mr. CULBREATH. Oh, it was 19—oh, those probably were some bonds that the Government issued. Some of them were probably some bonds the Government issued for service in the Armed Forces during the First World War.

Mr. RICE. The first what?

Mr. CULBREATH. The First World War.

Mr. RICE. Liberty bonds?

Mr. CULBREATH. Victory bonds.

Mr. RICE. And you had had those down through the years?

Mr. CULBREATH. Yes.

Mr. RICE. What would you estimate was the value of the bonds that you had?

Mr. CULBREATH. Well, those bonds—I don't know whether it was around 600 or 16. I don't remember.

Mr. RICE. Do you still have those?

Mr. CULBREATH. No; I cashed them.

Mr. RICE. You cashed them in?

Mr. CULBREATH. Yes.

Mr. RICE. When was that?

Mr. CULBREATH. When they matured.

Mr. RICE. When did they mature?

Mr. CULBREATH. Well, weren't they 10-year bonds?

Mr. RICE. I don't know.

Senator HUNT. Could some of these bonds have been your adjusted service bonds?

Mr. CULBREATH. That's right. There could have been some; yes, sir. That is what I think I was trying to say there, and I was misled.

Mr. RICE. We've got the box, the household goods and the bonds totaling about \$30,000. What else did you have when you went in the sheriff's office?

Mr. CULBREATH. Well, I had an automobile.

Mr. RICE. Had an automobile?

Mr. CULBREATH. Yes.

Mr. RICE. Do you still have the automobile?

Mr. CULBREATH. Well, not the same one.

Mr. RICE. You still have one?

Mr. CULBREATH. Yes, sir; I have an automobile.

Mr. RICE. What automobile do you have now?

Mr. CULBREATH. I have a 1942 Chrysler.

Mr. RICE. Anything else?

Mr. CULBREATH. My wife has a Plymouth.

Mr. RICE. What year?

Mr. CULBREATH. I think it is a 1950.

Mr. RICE. Anything else?

Mr. CULBREATH. Well——

Mr. RICE. Any other cars?

Mr. CULBREATH. No, sir.

Mr. RICE. What else did you have when you went in the sheriff's office?

Mr. CULBREATH. Well, I don't know just what you mean, what else I had. I had my clothes.

Mr. RICE. What other property did you hold, either personal or real property?

Mr. CULBREATH. I had some boats.

Mr. RICE. How many boats?

Mr. CULBREATH. Two, and two or three skiffs or three or four skiffs.

Mr. RICE. What were they worth?

Mr. CULBREATH. Well, the larger one was the one that Mr. Caton testified about yesterday. I think he got his figures confused.

Mr. RICE. Were you here when Mr. Caton was on?

Mr. CULBREATH. No. I heard it on the radio last night at 11:15 or 11:30—something like that; and that boat is 35 feet long and not 40 feet.

Mr. RICE. Do you still have the boat?

Mr. CULBREATH. Yes, and my brother built it for me for nothing.

It didn't cost me anything; and the motor that he testified before this committee about, that he says costs \$3,000, was bought from Mr. LeRoy Allen, the same gentleman that I mentioned a moment ago as being counsel for the Atlantic Coast Line, for \$200.

Mr. RICE. Have you bought any other motor for that vessel?

Mr. CULBREATH. Yes, sir.

Mr. RICE. When did you buy that?

Mr. CULBREATH. Maybe 3 years ago.

Mr. RICE. How much did you pay for that?

Mr. CULBREATH. I think it was about \$1,900, I think.

Mr. RICE. Where did you buy that?

Mr. CULBREATH. I bought that from the Kermath Motor Co.

Mr. RICE. From Kermath Motor Co.?

Mr. CULBREATH. Yes.

Mr. RICE. For \$1,900?

Mr. CULBREATH. Well, now, I think it was \$1,900 or \$2,000—right at that figure.

Mr. RICE. Right around \$2,000?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Could it have been \$2,708?

Mr. CULBREATH. Well, now, it is possible that it was that. I don't remember.

Mr. RICE. Did you draw a check in that amount for the motor?

Mr. CULBREATH. I could have. I don't know. I don't know whether I paid for it in cash or paid for it with a check.

Mr. RICE. So it could be somewhere between nineteen and twenty-seven hundred. You don't care to be anymore—

Mr. CULBREATH. No. Whatever it cost—I just didn't remember—whatever it cost, the check shows or the bill shows, and that's it.

Mr. RICE. Do you still have that?

Mr. CULBREATH. Yes, sir.

Mr. RICE. What else did you have at that time?

Mr. CULBREATH. Well, I had what was referred to yesterday as a little open boat.

Mr. RICE. All right, sir.

Mr. CULBREATH. It is 22 feet long.

Mr. RICE. Do you still have that?

Mr. CULBREATH. Yes. It is a boat that did a lot of work for me. It is about 27—no, about 18 years old.

Mr. RICE. What else did you have?

Mr. CULBREATH. I can't think of anything else other than that, and the remnants of that gear that I told you about a few minutes ago—fishing nets and skiffs, we call them, or fish boats, to go with it.

Mr. RICE. What became of those?

Mr. CULBREATH. I still have part of the nets and most of the leads and corks and lines. The skiffs, I sold them or they disappeared, or something happened while I was away in the Army in this last war.

Mr. RICE. They disappeared?

Mr. CULBREATH. Well, someone may have—

Mr. RICE. You didn't sell them?

Mr. CULBREATH. I sold some of them; yes.

Mr. RICE. What did you get for them?

Mr. CULBREATH. These skiffs, I would get around about fifty to a hundred dollars apiece for them.

Mr. RICE. Now then, let's sum up a little bit here for 1940, when you went in the sheriff's office, and see if we are right.

Mr. PIERCE. 1941.

Mr. RICE. 1940 or 1941.

Mr. CULBREATH. I entered in 1941.

Mr. RICE. Let's make it the time of this application.

You had a house, which you still have?

Mr. CULBREATH. Yes, sir.

Mr. RICE. And you had a number of—two or three small lots, which you still have?

Mr. CULBREATH. Yes, sir.

Mr. RICE. And you had about \$30,000 in personal property, consisting of cash, household goods, and bonds.

Mr. CULBREATH. And some additional.

Mr. RICE. Which you still have?

Mr. CULBREATH. Yes, sir.

Mr. RICE. What do you have in your box now, in your lockbox?

Mr. CULBREATH. I don't know.

Mr. RICE. You don't know now?

Mr. CULBREATH. No, sir. I don't know how much I have.

Mr. RICE. How much do you think you have?

Mr. CULBREATH. I may have, oh, maybe \$1,500, maybe \$2,000.

Mr. RICE. About \$2,000 in your lockbox now?

Mr. CULBREATH. Yes, sir.

Mr. RICE. And at that time you had something less than \$30,000. Is that a fair picture, outside of your car, which you still have, or one you traded in and kept going through the years, and the bonds you still have—is that a fair picture of your assets at that time?

Mr. CULBREATH. Well, I have given you the best that I can. If that is considered a fair picture, that's it; yes, sir.

Senator HUNT. The committee will stand in recess for 10 minutes.

(Whereupon, beginning at 11:10 a.m., there was a 10-minute recess.)

(Hearing called to order after recess.)

Mr. RICE. While we are waiting for some equipment, sheriff, I will talk to you a little bit. This man who advised you on your tax returns, Cathcart, what was his first name?

Mr. CULBREATH. Leslie.

Mr. RICE. Leslie?

Mr. CULBREATH. I think I told you I thought he was the one that did it. I am not sure.

Mr. RICE. What job did he have?

Mr. CULBREATH. He was a clerk to the justice of the peace.

Mr. RICE. And what does he do now?

Mr. CULBREATH. He works for me now.

Mr. RICE. He works for you?

Mr. CULBREATH. As a radio dispatcher.

Mr. RICE. A radio dispatcher?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Where is the equipment for the radio dispatching?

Mr. CULBREATH. In the sheriff's office.

Mr. RICE. In the sheriff's office. He works right in there?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Does he have occasion to go to the jail?

Mr. CULBREATH. He can.

Mr. RICE. Does he?

Mr. CULBREATH. I am sure he does. I wouldn't say too often, but he does go there.

Mr. RICE. Who is Rookie Culbreath?

Mr. CULBREATH. That is the one I said was Ernest. He is my brother.

Mr. RICE. He is your brother. What does he do?

Mr. CULBREATH. He is my head man down there. Chief deputy.

Mr. RICE. Chief deputy?

MR. CULBREATH. Yes; criminal deputy.

MR. RICE. Chief criminal deputy?

MR. CULBREATH. Yes.

MR. RICE. And he is also a full-time employee?

MR. CULBREATH. That's right.

MR. RICE. Does he do anything else?

MR. CULBREATH. Nothing else that I know of.

MR. RICE. No other job?

MR. CULBREATH. None that I know about.

MR. RICE. Well, he is there every day, isn't he?

MR. CULBREATH. Yes.

MR. RICE. He doesn't have any that you know of?

MR. CULBREATH. I don't know of anything that he has. That is his only job.

MR. RICE. How about Briggs & Co.?

MR. CULBREATH. Well, I was going to get to that myself. I noticed the story in one of our local papers about someone referring to Briggs & Co. yesterday. I think there are about five or six newspaper reporters in this office at this meeting, along with a lot of other folks that know what Briggs & Co. is. It is unfortunate—pardon me, for mentioning this, but he has 10 percent vision in one eye. That is all. So, the world is pretty dark for him. And he called himself and Leslie. Briggs & Co. Leslie sees for him. And he is a boy that has a lot of wit. And the only way he gets any pleasure, if he gets any pleasure, is calling themselves Briggs & Co. And I can look around here and see any number of people who know that from A to Z.

There is no such thing as gambling like someone testified to yesterday. They will joke with you anyway you want to. And they call it Briggs & Co., and I think you could talk to—if you just talk to some of the local newspapers who cover the sheriff's office, they could give you the whole picture. Mr. Carlton yesterday—I believe he was the one that mentioned Briggs & Co.—he came to work for me sometime ago. I don't remember when.

MR. RICE. Now, we know about Mr. Carlton. What would you have to say about this match-box cover reading "Briggs & Co.—Rookie Culbreath & Leslie Cathcart. We do small things big. Everything in sports."

MR. CULBREATH. Well, sir; I think someone that put out matches did this to play a trick on them or did it for them. I don't even know where they came from.

MR. RICE. Yes.

MR. CULBREATH. But at Christmas time they have a Christmas tree down there. They had one Friday night. They called it Briggs & Co. Briggs & Co. gave the party. I helped finance it. And they invite the deputies and their children down there for just a Christmas party. This probably was—I don't know when it came out or anything about it, whether it was Christmas time or during the year, but that has just been a name for the association between one fellow who can't see and another fellow who sees for him.

MR. RICE. They don't do anything in sports?

MR. CULBREATH. No, sir. They have nothing to do with it other than if you go down there they would kid with you and make you feel at home, but other than that it is nothing.

Mr. RICE. All right, sir. We are going to recapitulate a little bit now, Sheriff, on what we have been talking about before the intermission, and just to make sure that we are thoroughly accurate we are going to make an effort to write this up. We don't seem to have a blackboard, but we will write it down fairly large so you can all see it. All right, now, going back to when you were in the—when you first entered the sheriff's office, if I recall your testimony correctly from your application for the bonds, you had a house, which you still have?

Mr. CULBREATH. Yes, sir.

Mr. RICE. You had some lots which you still have. Now, you had an automobile and you still have an automobile. So that those things are relatively unimportant. You haven't disposed of them during that time. Now, in the locked box, you have a total figure in the lock box—there were household goods and Government bonds of \$30,000. You still have your household goods?

Mr. CULBREATH. Yes, sir. I still have furniture. It is either the same or additional furniture.

Mr. RICE. Do you want to estimate a figure as to the value of the household goods at the time you went into the sheriff's office?

Mr. CULBREATH. I couldn't.

Mr. RICE. \$2,000?

Mr. CULBREATH. Probably more than that.

Mr. RICE. \$3,000?

Mr. CULBREATH. Well, I don't know. It may have been three, it may have been four. Mr. Rice, I don't know the price or valuation of them. I don't remember.

Mr. RICE. All right, call it \$3,000. This would reduce you from \$30,000 down to \$27,000. Is that right?

Mr. CULBREATH. Well, you called it \$30,000. You said you would call it \$3,000.

Mr. RICE. Well, you put it in your application?

Mr. CULBREATH. Well, if I put it in my application that is approximately what I had then. I don't know. I don't see the application now. I don't know what is in it.

Mr. RICE. That's all right. That was as close as you could come?

Mr. CULBREATH. Well, whatever I have testified to I will stand by.

Mr. RICE. Now, I will ask you to testify on the value of the Government bonds?

Mr. CULBREATH. I don't remember what the testimony was on the Government bonds.

Mr. RICE. In any event that was included in that figure?

Mr. CULBREATH. Yes.

Mr. RICE. You still have the household goods?

Mr. CULBREATH. Yes, sir. I have some household goods.

Mr. RICE. We will eliminate that then. As assets that you had at that time and still have, we have a figure of somewhere around \$27,000. All right, now. Did you have any cash in banks at that time?

Mr. CULBREATH. At that time?

Mr. RICE. Yes.

Mr. CULBREATH. I presume so. I don't know. I don't know how much.

Mr. RICE. Well, from the looks of your application you had included whatever it was in that \$30,000.

Mr. CULBREATH. Well, I don't know. I didn't include everything I had in that \$30,000.

Mr. RICE. All right, let's see what you had then. What else did you have that you didn't include?

Mr. CULBREATH. I don't know.

Mr. RICE. You don't remember what you had?

Mr. CULBREATH. No.

Mr. RICE. Did you have bank accounts, then?

Mr. CULBREATH. I think I did.

Mr. RICE. Where did you have them?

Mr. CULBREATH. Well, it would be in the First National—probably the First National.

Mr. RICE. So whatever the figures are on the First National Bank account for 1940 would be accurate, would they?

Mr. CULBREATH. They would be accurate as to what is in the bank.

Mr. RICE. For the year?

Mr. CULBREATH. Yes; what was in the First National Bank.

Mr. RICE. Any other bank accounts?

Mr. CULBREATH. I don't remember any at that time. I could have had one in the other bank, the Exchange Bank, but I don't remember it. If I did, it didn't amount to much.

Mr. RICE. It didn't amount to much?

Mr. CULBREATH. I don't think so. I don't remember.

Mr. RICE. What would you say? A couple of hundred dollars?

Mr. CULBREATH. No; I just don't remember.

Mr. RICE. Well, was it more than \$1,000?

Mr. CULBREATH. I don't remember.

Mr. RICE. Was it less than \$1,000?

Mr. CULBREATH. Well, I don't remember. If I don't remember it was more than \$1,000 I wouldn't remember if it was less than a thousand.

Mr. RICE. What is the nearest you can come?

Mr. CULBREATH. Well, I can't answer that question. That's one I can't help you on.

Mr. RICE. Can you come within \$3,000 of what you had?

Mr. CULBREATH. I can't. I just don't remember.

Mr. RICE. Was it less than \$5,000 of the total amount that you had in all of your bank accounts that year?

Mr. CULBREATH. I can't remember.

Mr. RICE. You did maintain accounts then?

Mr. CULBREATH. I think I did.

Mr. RICE. Well, what is your best guess as to the amount of cash that you had in the banks in the year 1940?

Mr. CULBREATH. I wouldn't attempt to guess. I would rather go back to the banks and check with them and ask them and they would have a concrete figure.

Mr. RICE. But we have got to have a figure now, sheriff, to work on?

Mr. CULBREATH. It is the best place to get it, Mr. Rice.

Mr. RICE. We want it now?

Mr. CULBREATH. I can't give it to you, I don't know.

Mr. RICE. Is it less than \$10,000?

Mr. CULBREATH. I don't remember.

Mr. RICE. What was the most that it could have been?

Mr. CULBREATH. I can't answer that.

Mr. RICE. You can't answer the question.

Mr. CULBREATH. I don't remember. And I can't answer the question.

Mr. RICE. I think for the purpose of this, we will probably have to use no figure at all, if he doesn't give us the figure, and if he is able to develop that there was a figure why, we will accept it. For this purpose then, we will not count any cash in the banks at that time. Is that all right?

Mr. CULBREATH. It's all right if that is what you want to do, Mr. Rice. I can't object to it. I can't tell you what to do. I don't know.

Mr. RICE. You can't straighten me out on that?

Mr. CULBREATH. No.

Mr. RICE. All right, then. No cash in bank accounts. What else did you have? What other assets did you have when you went in the sheriff's office?

Mr. CULBREATH. Well, I don't recall any other assets. None that I can think of other than what we have discussed and talked about. Those real estate items that we have talked about.

Mr. RICE. Well, we have taken care of those. None of those have been disposed of?

Mr. CULBREATH. No, sir.

Mr. RICE. All right, for practical purposes, then, when you entered the sheriff's office you had a figure of about \$27,000, plus a nebulous amount in the bank, is that right?

Mr. CULBREATH. No, sir.

Mr. RICE. That could have been more, Mr. Rice. I may have had \$27,000. I may have had a little more than that. I don't know.

Mr. RICE. What do you want to make it?

Mr. CULBREATH. I don't want to select a figure which might not be correct, and would not do you any good.

Mr. RICE. The best thing we have to go on is your signed statement?

Mr. CULBREATH. Yes, sir. That is right.

Mr. RICE. You made it out at that time?

Mr. CULBREATH. Yes, sir. That's all right. I had that much.

Mr. RICE. Your memory was all right when you were making it out?

Mr. CULBREATH. Yes; it was fresh then because I was making it. And if I make something today it will be fresh, too.

Mr. RICE. How much is in your lockbox today?

Mr. CULBREATH. I don't know. It may be \$1,000, \$750; or \$1,500.

Mr. RICE. Your memory isn't too good on that, is it?

Mr. CULBREATH. I didn't count it.

Mr. RICE. This is today.

Mr. CULBREATH. I haven't looked at it in sometime.

Mr. RICE. Yes.

Mr. CULBREATH. I put my money in my pocket this morning and I don't know how much I have in my pocket.

Mr. RICE. Is that a safe that you have there?

Mr. CULBREATH. Where?

Mr. RICE. In the house?

Mr. CULBREATH. Yes, sir.

Mr. RICE. The steel box?

Mr. CULBREATH. Yes, I have a safe there.

Mr. RICE. Does it have a combination?

Mr. CULBREATH. Yes.

Mr. RICE. Do you remember that?

Mr. CULBREATH. No.

Mr. RICE. You don't remember that?

Mr. CULBREATH. No.

Mr. RICE. You have got it written down?

Mr. CULBREATH. Yes, sir. And I might make it clear. I am not a smart boy. I don't wear one of those. I am not smart, and never was. I was a boy that came from a poor family way back there when we had to struggle for everything we had. I have a friend that has been my close friend for a long time and I don't even know his street address and I go there two and three times a week. You won't believe that, but that is the truth.

(At this point Mr. Klein was putting up a blackboard, at the request of Mr. Rice.)

Mr. RICE. Mr. Klein, for 1940 then, shows assets of \$27,000 plus. We understand the plus to mean whatever was in the bank, at either the Citizens or the First National Bank.

Mr. CULBREATH. Plus whatever I had.

Mr. RICE. Whatever else did you have?

Mr. CULBREATH. Any other money that I may have had.

Mr. RICE. What other money did you have?

Mr. CULBREATH. I said that \$30,000. I may have had some other cash. I don't remember. If you will check back with the court reporter you will find that is the testimony.

Mr. RICE. You said your income was good when you made this application?

Mr. CULBREATH. I also testified I did not list everything.

Mr. RICE. So you now say that is not accurate?

Mr. CULBREATH. I said that part of it is accurate, what I said. I may have had that much. I may have had more.

Mr. RICE. How much more may you have had?

Mr. CULBREATH. I cannot answer that question. I don't remember.

Mr. RICE. What is the most that you might have had?

Mr. CULBREATH. I don't remember.

Mr. RICE. Another hundred dollars?

Mr. CULBREATH. I don't remember.

Mr. RICE. Five thousand. If you cannot remember I do not think that for this purpose we are going to be able to give you any credit.

Mr. CULBREATH. Well, I am not asking for any credit.

Mr. RICE. You may wish to answer that later on.

Mr. CULBREATH. Maybe so. I don't know what you are getting at. I will be as cooperative as I can.

Mr. RICE. All right, now. Write down his property acquisitions. All right.

Senator HUNT. Remember all this should be under the assets so that you can continue to add the value of the property acquisitions.

Mr. RICE. Now, taking the property list that you have submitted to us last night, for the year 1941 we find acquisitions totaling \$3,205. Check me and see if I am wrong on that.

Mr. PIERCE. I have a similar computation, Mr. Chairman, and Mr. Rice. I made mine in the order I had listed on here.

Mr. RICE. Check me.

Mr. PIERCE. If you will give me the item.

Mr. RICE. The first parcel is November 3, 1941, and a \$25 consideration.

The second, October 15, 1941.

Mr. PIERCE. Just a minute. I can find some of these.

Mr. RICE. Consideration \$180.

Mr. PIERCE. Take that again, will you, Mr. Rice?

Mr. RICE. The \$25 one on page 2. The second item, \$25. The last item is \$180, page 5, the property from Southland Properties, consideration is \$3,000, totaling \$3,025, property acquisitions in 1941.

Mr. PIERCE. That was by him and a cousin, both.

Mr. RICE. Yes, sir. Do you want to say anything about that? You are listing it as his property?

Mr. CULBREATH. We do not own but a half interest.

Mr. RICE. You own a half interest?

Mr. CULBREATH. A half interest.

Mr. RICE. All right. How much did you put up on that?

Mr. CULBREATH. Mr. Rice, I am sure we turned over a letter to you from my cousin to me giving the dates, the check number, and the amount of each and when I paid him. If you will look in your file you will find it.

Mr. RICE. So that he put up \$1,500 and you put up \$1,500, is that right?

Mr. CULBREATH. I owned a half interest and there is a few cents, or a little difference in there, but if you will look in there you will find it is correct.

Mr. RICE. In 1942 and 1943 you were in the Army, is that correct?

Mr. CULBREATH. Yes, sir.

Mr. RICE. In 1944 you have parcel No. 3 on page 1, \$750. Parcel No. 2, on page 3, \$75. Parcel No. 3, on page 3, \$500. Parcel No. 2, on page 4, \$3,000. Making a total of \$4,325 worth of property in 1944. \$4,325 worth of property in 1944.

Now, in 1945, you have the Gandy Bridge property, May 1, 1945, \$2,500, the last item on page 1.

Item 3, on page 4, the property from Torrio, October 8, 1945, \$16,000, making a total for that year of \$18,500.

Now, in 1946, item 3, on page 2, October 21, 1946, \$1,250.

Item 5, on page 2, March 9, 1946, \$5,000.

Now, here is a piece of property, item 4, on page 3, date of September 4, 1946, from Davis—Milton Davis and Pauline F. Davis, to Hugh Culbreath and wife, lots 9 and 10, block 7, Henderson Beach subdivision. What was the consideration on that?

Mr. CULBREATH. I would say, what was paid for that property I think, it was less than a thousand dollars, but if you will have someone to call Mr. Meredith at the Toole Realty Co., he will give it to you.

Mr. RICE. Let us call it \$500.

Now, in 1946, item 3, on page 2, October 21, 1946, \$1,250. on it?

Mr. PIERCE. The deed shows the stamp of a thousand dollars, and we went over it carefully and the sheriff is sure he did not pay that much.

Mr. RICE. If 500 is agreeable. The last item, page 4, dated October 16, 1946, the Anthony Distributors, David Wescott property, indicated

here Wescott \$12,000, Culbreath \$7,000, consideration \$19,000. How much did you have in that property, Sheriff?

Mr. CULBREATH. Just what the record shows. \$7,000.

Mr. RICE. Your participation was \$7,000?

Mr. CULBREATH. Yes, sir.

Mr. RICE. I have here what appears to be a work sheet showing real-estate holdings of Hugh L. Culbreath, and, referring to that same piece of property, I notice that there was a figure, that there appeared to be a figure of \$19,000 from which the one had been erased. Would you care to explain that?

Mr. PIERCE. Mr. Chairman, I think I may explain that, if I may.

Senator HUNT. Let the witness explain. You can advise your client, if you wish.

Mr. CULBREATH. I don't know who made that out, or who erased that. I think probably that was the total amount. It looks like the total amount of \$19,000, but I did not erase it and I cannot explain it.

Mr. RICE. You do not want to explain the erasure at all?

Mr. CULBREATH. I just do not explain the erasure. I have the \$7,000, I have that.

Mr. CULBREATH. That is the assessed valuation on it, Senator.

Mr. RICE. On this other property for which you gave \$500, what do you figure from the stamps on that?

Mr. CULBREATH. Well——

Mr. RICE. Where you have documentary stamps of \$1.75.

Mr. CULBREATH. Well, I believe it is 10 cents a hundred. Isn't that right?

Mr. PIERCE. No; that is Federal. It is \$1.50 State. That would indicate \$1,500, Mr. Chairman. That is when we attempted to trace the exact consideration paid. The sheriff is positive that he did not pay that much.

Mr. RICE. How did you happen to put stamps on it for \$1,500 if you didn't pay that?

Mr. CULBREATH. I am not saying I didn't.

Mr. RICE. It is possible that you did pay \$1,500?

Mr. CULBREATH. It is possible that I did, but sometimes in putting stamps on an instrument of that kind you will go to the clerk and make a mistake or they may make a mistake. It may be called \$1,500. Whatever you want to say about that, it's O. K. with me.

Mr. RICE. I want what you say.

Mr. CULBREATH. The deed is the best evidence.

Mr. RICE. The deed has \$1,500.

Mr. CULBREATH. All right, list it at \$1,500.

Mr. RICE. To recap that on 1946, \$1,250, item 3 on page 2; \$5,000, item 5 on page 2; \$1,500, item 4 on page 3——

Mr. PIERCE. Wait a minute, Mr. Chairman. You've got that \$1,500.

Mr. RICE. He said it was all right with him, didn't he?

Mr. PIERCE. Oh, no.

Mr. RICE. The stamps show \$1,500.

Mr. PIERCE. That is the one that I thought we agreed on \$500.

Mr. RICE. You just changed it. He said it was all right with him to say 15. Do you want to disagree?

Mr. PIERCE. I don't want to argue, but he said sometimes the clerk puts stamps on when it does not represent the actual value.

Senator HUNT. Let the witness answer. Mr. Culbreath, what value do you wish to put on this property—that is, the money paid by you for the property? We will end this discussion.

Mr. CULBREATH. Senator, I don't remember how much I paid for it, but I know I paid \$500 on it.

Senator HUNT. A moment ago you said you were willing to put \$1,500 on it.

Mr. CULBREATH. I was willing to do that. I am willing to do that if it will speed things up. I just want to help.

Mr. RICE. The last item on page 4, \$7,000, and—well, that's it. That is \$14,750. Now, in 1947, item 4 on page 1, we see a deed dated May 22, 1947, from William Redding and wife to Culbreath and wife, a gift of a strip of land in lot 17, block 12, 9 feet wide. I take it that that is that 9-foot strip adjacent to the house.

Mr. CULBREATH. That is, Senator. When I bought this home the old Beach Park Co. used an old surveyor by the name of Mr. Bettis. He was the father-in-law of the man who put on this project. I had him come out and establish my lines, and he established the line. I planted a hedge, and then later I built a garage. We lived that way for a long time. Then, south of me, another party came in and bought some lots and built him a home, and then I wanted to establish my corner between his property and my property so I got another surveyor and he went out there and this surveyor, Mr. Sullivan, he went out there and found that I was 9 or 10 feet over on my neighbor's property. So I told my neighbor, Mr. Redding, I says, "You either have half of this garage or I will tear it down, or I will buy the land from you." And he kidded me for a few days around there, and finally he said, "Well, I am going to give it to you. It's not going to cost you anything." I insisted on paying him, but he wouldn't let me pay him. That's the kind of neighbor that he is. He gave me this strip of ground.

Mr. PIERCE. You submitted a blueprint to them.

Mr. CULBREATH. I submitted a blueprint, and I know it is in your file with my papers, showing just what strip it was.

Mr. RICE. That was the only property in 1947.

Now, in 1948 you have item 4 on page 2, November 27, 1948, \$800, and one on February 28, 1948, item 1 on page 3, \$200, and item 5 on page 3, December 1, 1948, \$250, making a total for that year of \$1,250. All right, item 1, page 4, 1949, November 29, property, \$20,000. Total for that year—

Mr. CULBREATH. Wait a minute. Look at that note on the top of that.

Mr. RICE. All right, what holding do you have in that property?

Mr. CULBREATH. Fifty percent; one-half.

Mr. RICE. How much did you put up?

Mr. CULBREATH. \$2,500.

Mr. RICE. Who else put up any money?

Mr. CULBREATH. My brother.

Mr. RICE. What is his name?

Mr. CULBREATH. Ernest.

Mr. RICE. How much did he put up?

Mr. CULBREATH. \$2,500.

Mr. RICE. Is there a mortgage on that?

Mr. CULBREATH. There is.

Mr. RICE. How much is against it?

Mr. CULBREATH. \$10,000.

Mr. RICE. All right; a total of \$5,000 and a trust of ten is fifteen. Where is the other five?

Mr. CULBREATH. I think we have accounted for it, haven't we? I put up 5, my brother put up 5, and 10 is due, which makes 20.

Mr. RICE. You said \$2,500, unless I am mistaken.

Mr. PIERCE. It is five apiece instead of half of five.

Mr. CULBREATH. Five apiece instead of half. We put up \$2,500 each. That's \$5,000. My brother put up 5, which is 10, which is half of it.

Mr. PIERCE. I got that from the face of the deed and I did not take into consideration the mortgage.

Mr. RICE. All right, \$5,000.

Senator HUNT. Let's straighten that transaction out. Sheriff, how much did you put up on this property that we are just now talking about?

Mr. CULBREATH. I put up \$2,500.

Senator HUNT. You put up \$2,500?

Mr. CULBREATH. Yes, sir.

Senator HUNT. That is \$5,000, together?

Mr. CULBREATH. That's right.

Senator HUNT. Each of you didn't put up five thousand?

Mr. CULBREATH. No, sir.

Senator HUNT. I think the testimony conflicts.

Mr. CULBREATH. Well, I would like for the record to show it is straightened out. You straighten it out.

Mr. RICE. If there is only \$10,000 against it and \$5,000 paid, where is the other five?

Mr. CULBREATH. There should have been two payments, for these 2 years. When we bought it we paid \$2,500 apiece. That's five thousand. Then we made a second payment, \$2,500 each, makes another 5, and 5 and 5 is 10.

Mr. RICE. So you now have \$5,000 of your own in it?

Mr. CULBREATH. That's right. This last payment has just recently been made. It was due, I think, in December.

Mr. RICE. Now then—

Mr. PIERCE. Is that all for 1949?

Mr. RICE. As far as it shows on the list.

On page 6, where you list your personal property, you have Government war bonds in the name of Hugh Culbreath and wife, with no figure mentioned. What is that figure, now?

Mr. CULBREATH. I said that could be five or six or seven or maybe ten thousand. I could take you and show them to you.

Mr. RICE. Did you receive a subpoena?

Mr. CULBREATH. Yes.

Mr. RICE. What did the subpoena say?

Mr. CULBREATH. I don't remember, sir.

Mr. RICE. You didn't look at it?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Did you read it?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Did it say you were called upon to produce a list of your property holdings?

Mr. CULBREATH. Well, it did, but I didn't interpret it that way. We can get the bonds right quick.

Mr. RICE. Let's not talk about what we can do. Let's talk about what we were supposed to do.

Mr. CULBREATH. I just didn't bring them in because I didn't want bonds lying around, like I would my cash.

Mr. RICE. It isn't a question of bringing them in. All we asked was the value of them from you.

Mr. CULBREATH. The value, without checking it, I couldn't give you an accurate value—that is, to the dime—but I will be glad—

Mr. RICE. In other words, did you see fit to ignore the Senate subpoena when you were called upon to produce—

Mr. CULBREATH. No, sir; I did not. Just like last night I did not bring in that last checkbook there. I had forgotten it, and I brought it in this morning.

Mr. RICE. So you just plain forgot this. Is that it?

Mr. CULBREATH. No, I didn't exactly forget it.

Mr. RICE. Well, what is it?

Mr. CULBREATH. If you want them, we will go see them.

Mr. RICE. We did want them. We asked you for them a week ago.

Mr. CULBREATH. All right, we can go see them, because it's not that I am trying to cover up anything. I am trying to help you.

Mr. RICE. We call on you to produce those. I think that during the luncheon recess we would like to have an exact figure on that.

Mr. CULBREATH. All right. I will go look.

Mr. RICE. Sheriff, you have given us here a list of bank accounts. Let me ask this: Do you have any bank accounts, either in your name or in which you have an interest, in any other cities?

Mr. CULBREATH. No, sir.

Mr. RICE. Habana?

Mr. CULBREATH. I haven't been to Habana in—but one time in my life, and that was back right after the First World War. I went down there to play football against the Habana Athletic Club.

Mr. RICE. How about Key West?

Mr. CULBREATH. I haven't been to Key West since then.

Mr. RICE. Do you have any bank account there?

Mr. CULBREATH. Never. I've never been in a bank there.

Mr. RICE. How about Chicago?

Mr. CULBREATH. I've only been in Chicago a couple of times in my life.

Mr. RICE. Do you have an account in Chicago in any banks?

Mr. CULBREATH. I've never been in a bank in Chicago.

Mr. RICE. Are you sure about that?

Mr. CULBREATH. Positive.

Mr. RICE. Do you have any interest in Anthony Distributors?

Mr. CULBREATH. Not a nickel; not a nickel.

Mr. RICE. Any interest other than money?

Mr. CULBREATH. What do you mean?

Mr. RICE. Stockholdings?

Mr. CULBREATH. You mean in any other business, stock in any other business?

Mr. RICE. No; in Anthony Distributors.

Mr. CULBREATH. I don't have anything in Anthony Distributors.

Mr. RICE. Do you have any corporate stock in any corporation?

Mr. CULBREATH. No, sir.

Mr. RICE. Do you have any bonds?

Mr. CULBREATH. No, sir.

Mr. RICE. Do you have a safety-deposit box in any bank?

Mr. CULBREATH. Yes.

Mr. RICE. Where is that?

Mr. CULBREATH. The Exchange National.

Mr. RICE. Is that the only one?

Mr. CULBREATH. Yes, sir.

Mr. RICE. How much is in that safety-deposit box?

Mr. CULBREATH. There's a few hundred dollars there. I would have to check to tell you that. I will bring you that information.

Mr. RICE. Is that in addition to this property listed here?

Mr. CULBREATH. Yes.

Mr. RICE. A few hundred?

Mr. CULBREATH. Yes.

Mr. RICE. At the noon recess you will also get that?

Mr. CULBREATH. I will find out about that.

Mr. RICE. Do you have any interest in the Tropical Brewing Co., or have you had any interest in it?

Mr. CULBREATH. The Tropical Brewing Co., in Tampa?

Mr. RICE. Yes.

Mr. CULBREATH. No, sir; I don't have a nickel.

Mr. RICE. Have you had any interest in it?

Mr. CULBREATH. Never.

Mr. RICE. How about Packard-Tampa Motor Co.?

Mr. CULBREATH. Well, sir, I was called the other day by my attorney. He says, "You have failed to give me a list of all the property you own. What about this Packard Motor Co.?" I said, "I wish I had some of it, but I don't." I said, "I am going to find out why I don't have any stock." I called a party that I knew was in it. I said, "What about my stock in this Packard Motor Co.?" They said, "The creditors would be glad to turn it over to you."

Mr. RICE. You never have had any interest in it?

Mr. CULBREATH. Not a nickel. I don't even know but one or two or three stockholders in it.

Mr. RICE. Do you have any interest in the Tampa Times, a newspaper?

Mr. CULBREATH. No more than I have in the Chicago Tribune, or the New York Times.

Mr. RICE. How about the Club 22? Do you have any interest in that?

Mr. CULBREATH. I don't even know where the Club 22 is. I guess that will probably reflect on me as being sheriff—that I should know, but I don't.

Mr. RICE. You don't know where the Club 22 is, and you are sheriff of this county?

Mr. CULBREATH. That's right.

Mr. RICE. Do you know where the De Soto Hotel is?

Mr. CULBREATH. Yes, yes. That was the Chateau—something like that.

Mr. RICE. Do you know where the Frolics Club is?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Do you have any interest in that?

Mr. CULBREATH. No, sir. I don't even patronize it. I haven't been there more than once or twice in my life.

Mr. RICE. Do you have any interest in any property held by Earl Lynn, your nephew?

Mr. CULBREATH. No. Why would I have any with him?

Mr. RICE. I'm asking the questions.

Mr. CULBREATH. He bought that property, I think, his home—I don't know whether it was from some governmental agency or not.

Mr. RICE. Did you give him any money in connection with it?

Mr. CULBREATH. No, not a nickel.

Mr. RICE. Have you made any gifts to anyone in the last 10 years?

Mr. CULBREATH. I don't recall.

Mr. RICE. Outside of those listed on the tax returns?

Mr. CULBREATH. I don't recall.

Mr. RICE. Any relatives?

Mr. CULBREATH. No, sir; I don't remember.

Mr. RICE. Did you help build any property for any relatives?

Mr. CULBREATH. No. I don't think any relatives have any property that has been built.

Mr. RICE. How about Earl Lynn?

Mr. CULBREATH. I haven't given him a nickel.

Mr. RICE. Are you sure about that?

Mr. CULBREATH. I am positive.

Mr. RICE. Do you hold any real property outside of the State of Florida?

Mr. CULBREATH. No, sir; I don't. However, someone has information that I owned a ranch with someone in Georgia, which I had never heard of until yesterday or the day before.

Mr. RICE. You say someone has information to that effect?

Mr. CULBREATH. Someone said that Coach Wally Butts, up in Georgia, and I owned a ranch together.

Mr. RICE. Is that true?

Mr. CULBREATH. It's very false.

Mr. RICE. Do you own any property at all in Georgia?

Mr. CULBREATH. No.

Mr. RICE. Do you have any holdings in Georgia?

Mr. CULBREATH. I have a bank account there, if that is what you are talking about.

Mr. RICE. Where is the bank account?

Mr. CULBREATH. It is in Waycross, Ga.

Mr. RICE. How did you come to have a bank account in Waycross, Ga.?

Mr. CULBREATH. I was base commander there during the war for a while, and I opened an account and deposited money and left it there.

Mr. RICE. Left the money there?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Is it still there?

Mr. CULBREATH. Still there.

Mr. RICE. How much is that?

Mr. CULBREATH. Between nine and ten thousand.

Mr. RICE. Do you want to call that \$9,500?

Mr. CULBREATH. Well, I think you could help me out. If you say that is what it is——

Mr. RICE. No.

Mr. CULBREATH. Well, between 9 and 10. It could be less than 95, but it's above 9.

Mr. RICE. It could be more, too?

Mr. CULBREATH. Not more than 10.

Mr. RICE. Let's put down there. "Bank of Waycross, \$9,500."

Mr. RICE. Now, then, where is Punta Gorda?

Mr. CULBREATH. One hundred miles from Tampa.

Mr. RICE. Do you have any property in Punta Gorda?

Mr. CULBREATH. No real estate.

Mr. RICE. Do you have any business there?

Mr. CULBREATH. No business.

Mr. RICE. Have you been stationed there?

Mr. CULBREATH. Yes.

Mr. RICE. In what capacity?

Mr. CULBREATH. In the Army—military.

Mr. RICE. You opened a bank account there?

Mr. CULBREATH. I did.

Mr. RICE. Where was that?

Mr. CULBREATH. The Punta Gorda State Bank.

Mr. RICE. You still have that bank account?

Mr. CULBREATH. I do.

Mr. RICE. How much is in it?

Mr. CULBREATH. Between eight and nine thousand dollars.

Mr. RICE. The Bank of Punta Gorda. We will call that \$8,500. Now then, do you have some bank accounts in Tampa?

Mr. CULBREATH. Yes, sir.

Mr. RICE. What are they? What bank?

Mr. CULBREATH. Exchange National and the Marine.

Mr. RICE. All right. Let's take the Exchange National. Is that a checking account?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Do you have a savings account?

Mr. CULBREATH. No, sir.

Mr. RICE. Do you have a safety deposit box?

Mr. CULBREATH. I testified a moment ago that I had a safety deposit box there.

Mr. RICE. At the Exchange?

Mr. CULBREATH. Yes, sir.

Mr. RICE. How much do you have in the checking account in the Exchange National Bank?

Mr. CULBREATH. I have \$1,351.94.

Mr. RICE. All right; \$1,351.94 in the Exchange Bank, plus a safety deposit box which you are going to check at lunch time. Now, then, did you say you had an account at the First National Bank?

Mr. CULBREATH. Yes, sir.

Mr. RICE. A checking account?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Did you have a savings account?

Mr. CULBREATH. No, sir.

Mr. RICE. A safety deposit box?

Mr. CULBREATH. No, sir.

Mr. RICE. How much is in the checking account?

Mr. CULBREATH. \$12,724.02.

Mr. RICE. First National Bank of Tampa; \$12,724.02?

Mr. CULBREATH. There may be a differential of around \$100 there, one way or the other.

Mr. RICE. We won't quibble about the hundreds.

Mr. CULBREATH. What I mean is, withdrawals and additions.

Mr. RICE. Now, then, do you have any other bank account in Tampa?

Mr. CULBREATH. I mentioned the Marine Bank.

Mr. RICE. The Marine Bank?

Mr. CULBREATH. Yes.

Mr. RICE. Is that a checking account?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Do you have a savings account?

Mr. CULBREATH. No, sir.

Mr. RICE. Do you have a safety deposit box?

Mr. CULBREATH. No, sir.

Mr. RICE. About how much is in the checking account?

Mr. CULBREATH. \$1,352.66.

Mr. RICE. \$1,352.66 in the Marine Bank. Now, then, sir, do you have any account in St. Petersburg?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Do you have any property holdings in St. Petersburg?

Mr. CULBREATH. Yes; I have real estate—not in St. Petersburg—Pinellas County.

Mr. RICE. What bank is that?

Mr. CULBREATH. In St. Petersburg, it is the Florida National, I think.

Mr. RICE. All right, sir. You have a checking account there?

Mr. CULBREATH. Yes, sir.

Mr. RICE. A savings account?

Mr. CULBREATH. No, sir.

Mr. RICE. A safety-deposit box?

Mr. CULBREATH. No, sir.

Mr. RICE. And what is on deposit in the Florida National?

Mr. CULBREATH. The nearest I can give it to you would be \$10,000, or maybe \$10,200.

Mr. RICE. \$10,200 in the Florida National in St. Petersburg. How about the First Federal Savings & Loan, either here or in St. Petersburg?

Mr. CULBREATH. I never had an account there.

Mr. RICE. You never had an account there. In addition to that you have your Government bonds which you are going to check on at lunch and your safety-deposit box in the Exchange, and your lock box which you will check on.

Senator HUNT. The committee will stand in recess until 1:45.

(Thereupon, the hearing was recessed for lunch until 1:45 p. m. of the same day.)

AFTERNOON SESSION

Senator HUNT. A subpoena was issued for the appearance in this court of one, George Bowers. Information was given to the chairman of the committee that Mr. Bowers was in a hospital with a stomach ulcer in Jacksonville.

Mr. RICE. Miami.

Senator HUNT. In Miami. We now understand that this Mr. Bowers is not in the hospital in Miami, and if he doesn't appear before the conclusion of these hearings, the committee will take under consideration contempt proceedings against him for lack of appearance.

Does Mr. Bowers happen to be in the courtroom?

Mr. RICE. Let the record indicate that there was no response.

(Thereupon, Sheriff Culbreath resumed the stand.)

Mr. RICE. Do you have any information for us, Sheriff, that you developed during the lunch hour?

Mr. CULBREATH. Yes, sir; I have \$6,500 in bonds and \$360 in cash.

Mr. RICE. Now, where is that cash, Sheriff?

Mr. CULBREATH. In the safety deposit box.

Mr. RICE. Now, is that in the bank?

Mr. CULBREATH. Yes.

Mr. RICE. How about in the lockbox?

Mr. CULBREATH. Well, I didn't get to the lockbox. You told me to check the bank, and the lockbox—I didn't have time to go to my home to check that, but I have a few hundred dollars there, is all.

Mr. RICE. Now, the bonds aggregate how much?

Mr. CULBREATH. \$6,500.

Mr. PIERCE. Is that the maturity?

Mr. CULBREATH. That is the maturity.

Mr. RICE. What is the market value of that?

Mr. PIERCE. Seventy-five percent of that.

Mr. RICE. Three-quarters of 6,500. Sheriff, how old are they? Are those World War II?

Mr. CULBREATH. No; these are bonds bought along in 1945.

Mr. RICE. And they are Government bonds?

Mr. CULBREATH. They are Government bonds; yes, sir.

Mr. RICE. So its 75 percent of the value when you purchased them, but you had them 5 years?

Mr. PIERCE. But the money out of the pocket of the sheriff was the original purchase price like the increased value of the home place?

Mr. RICE. I think you have a point there.

Mr. PIERCE. Thank you. Thank you.

Mr. RICE. Now, we still have left a lockbox at home—or a safe—it's grown to a safe from a locked box, has it not?

Mr. CULBREATH. Well, it has been a safe for a good while.

Mr. RICE. How long has it been a safe?

Mr. CULBREATH. I don't know. Quite a few years.

Mr. RICE. How many years?

Mr. CULBREATH. Well, I don't know. I don't remember when I got it.

Mr. RICE. Was it since 1940?

Mr. CULBREATH. No; I think it was before that.

Mr. RICE. It was before that?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Now, that is at your home?

Mr. CULBREATH. Yes, sir.

Mr. RICE. And you have an unnamed amount in that safe?

Mr. CULBREATH. Yes, I have; a few hundred dollars.

Mr. RICE. And you have the combination?

Mr. CULBREATH. No, sir; I don't have the combination.

Mr. RICE. Do you know where it is?

Mr. CULBREATH. I think I can get it.

Mr. RICE. You can get the combination?

Mr. CULBREATH. Yes.

Mr. RICE. Do you have any objection to a representative of the committee accompanying you to that safe to take a look and see what is in it?

Mr. CULBREATH. None at all.

Mr. RICE. All right. Would you want to tell us your best guess of what is there?

Mr. CULBREATH. Yes, sir; I would say—it is only a guess—about \$1,200.

Mr. RICE. About \$1,200?

Mr. CULBREATH. Yes, sir.

Mr. RICE. All right; \$1,200 in the locked box, or the safe now.

Now, then, do you have any other cash that was your property in the sheriff's office or the jail or any other boxes?

Mr. CULBREATH. No, sir.

Mr. RICE. Or repositories?

Mr. CULBREATH. No, sir.

Mr. RICE. How much cash do you have outside of banks that are not in your safe or safety deposit box that you carry with you?

Mr. CULBREATH. I have \$200 or \$300 on me.

Mr. RICE. You have that on you?

Mr. CULBREATH. Yes.

Mr. RICE. \$300?

Mr. CULBREATH. I believe that will do.

Mr. RICE. All right. \$300 then. Now, is there any other cash stored around the house or any other place?

Mr. CULBREATH. No, sir.

Mr. RICE. Do you have any interests in the hotels, Sheriff?

Mr. CULBREATH. No, sir; I don't. I don't have any interest in any hotel or anything similar to that.

Mr. RICE. Any commercial properties?

Mr. CULBREATH. No commercial properties.

Mr. RICE. How about the Oldsmobile dealer in St. Petersburg? Do you have any interest in that property?

Mr. CULBREATH. I don't even know him.

Mr. RICE. Johnston Scale & Fixture Co. Building?

Mr. CULBREATH. Not that. I know Mr. Johnston, but I don't have any interest there.

Mr. RICE. No interest there?

Mr. CULBREATH. No.

Mr. RICE. Do you have any other attorney besides Mr. Pierce here?

Mr. CULBREATH. Yes.

Mr. RICE. What is his name?

Mr. CULBREATH. L. H. Hill, Jr.

Mr. RICE. Does L. H. Hill hold any property for you, either personal or real property?

Mr. CULBREATH. Not for me; no, sir.

Mr. RICE. Not for you? Has he held any for your wife?

Mr. CULBREATH. No.

Mr. RICE. Any relatives?

Mr. CULBREATH. No relatives. None at all. Mr. Hill, I may add, that he is sick. He has a heart condition. He is not too active.

Mr. RICE. Does Mrs. Culbreath hold any property alone or as an individual?

Mr. CULBREATH. No, sir.

Mr. RICE. Are you sure about that?

Mr. CULBREATH. Positive.

Mr. RICE. How about jewelry?

Mr. CULBREATH. Oh, she has a wrist watch and rings.

Mr. RICE. Yes?

Mr. CULBREATH. A wedding ring.

Mr. RICE. Yes?

Mr. CULBREATH. An engagement ring.

Mr. RICE. Yes?

Mr. CULBREATH. And I think one dinner ring.

Mr. RICE. All right. Now, have we covered your property holdings?

Mr. CULBREATH. To the best of my knowledge.

Mr. RICE. For the last 10 years?

Mr. CULBREATH. Further than that, it seems to me. It seems to me you started back about 1930, didn't you?

Mr. RICE. Well, I want to give you a moment to think about it a little bit and see if I have accounted for everything here.

Mr. CULBREATH. As far as I can remember, everything is accounted for, Mr. Rice.

Mr. RICE. Now you want to take the definite position that there is no other property that you have, either real or personal?

Mr. CULBREATH. None that I know of.

Mr. RICE. Not that you know of? Let's make it more definite than that. Think hard.

Mr. CULBREATH. I am thinking hard.

Mr. RICE. You don't have any other property?

Mr. CULBREATH. No, sir.

Mr. RICE. All right, sir.

Mr. CULBREATH. None that I can think of.

Mr. RICE. Now we will head this "Income" and we will take the figures from the tax returns as furnished the committee in response to subpoena for the year 1941. Oh, incidentally, what was your salary in the sheriff's office? What is the sheriff's salary?

Mr. CULBREATH. The salary is \$7,500.

Mr. RICE. I see. In 1941 you report in gross income, "Salaries for personal services" of \$12,000. How does that happen when the salary is \$7,500?

Mr. CULBREATH. Mr. Rice, I can't tell you how that happened in 1941. I don't remember, but that was income I had received and I reported it.

Mr. RICE. This was over your \$7,500. You have approximately \$5,000, 1941, and you don't know where that came from?

Mr. CULBREATH. No, sir; I don't know what that was made of.

Mr. RICE. You have already testified that you were out of the fishing business and the reason being that you wanted to devote your full time to the sheriff's duties.

Mr. CULBREATH. That is after I went into the sheriff's office.

Mr. RICE. Yes?

Mr. CULBREATH. Is that 1941?

Mr. RICE. Yes.

Mr. CULBREATH. Well, that was reported for the year 1941, is that right?

Mr. RICE. Yes.

Mr. CULBREATH. Well, I can't tell you without checking further where it came from, but certainly if I hadn't received it I wouldn't have reported it.

Mr. RICE. All right. Do you want to stand on that statement?

Mr. CULBREATH. Yes, sir.

Mr. RICE. It just came from nowhere?

Mr. CULBREATH. No, sir; I didn't say it just came from nowhere. I don't remember back in 1941. That is 10 years ago.

Mr. RICE. Now then, sir, after deducting your expenses, you had a net income of \$9,800, upon which you paid a tax of \$1,172, which would leave a net of around, in round figures—

Mr. CULBREATH (interrupting). May I interrupt?

Mr. RICE. Yes.

Mr. CULBREATH. I had a piece of property that I was farming on and probably that is where that income came from.

Mr. RICE. No; you had trouble with that one, Sheriff; you were in the red with a loss of \$86.

Mr. CULBREATH. It was a loss.

Mr. RICE. So there wasn't any income?

Mr. CULBREATH. I don't know where that figure came from. Maybe some of those figures came from the operation of a tract of ground that was a farm. I think the c. p. a. that made that could explain that to you.

Mr. RICE. You don't show income from the farm. You show a loss.

Mr. CULBREATH. It isn't shown.

Mr. RICE. Could you be wrong?

Mr. CULBREATH. On the farm?

Mr. RICE. On this?

Mr. CULBREATH. No.

Mr. RICE. You will take this as being accurate?

Mr. CULBREATH. I will take that.

Mr. RICE. All right. Your net income was \$9,859 less a tax paid of \$1,172, which leaves what? That is a take-home then of \$7,687 for the year 1941.

All right, for the year 1942 you indicate that your occupation was sheriff and United States Army. I take it that you went into the Army and resigned your job as sheriff, or what was your arrangement there?

Mr. CULBREATH. No, sir; I had no connection with the sheriff's office.

Mr. RICE. So that you were temporarily out of the sheriff's office and resigned?

Mr. CULBREATH. Yes, sir; for the duration of the war, for the time I was in the service.

Mr. RICE. So, your salary and income for that year consisted entirely of what you received from the United States Army and your gross income here is \$4,567.50. After deducting your expenses, contributions, and other allowable deductions, you had a total net income of \$2,772, upon which you paid a tax of \$149, which leaves a net take-home of \$2,772 less \$149, \$2,623.

(These figures were being put on the blackboard, after the totals were arrived at, by Mr. Klein.)

Mr. RICE. Now, in 1943, you were again in the United States Army and you show a gross income of \$4,099.98, deductible expenses \$2,599.98, and after your other deductions a net income of \$2,599. It appears that no tax was paid that year. Now then, for that year we will use the figure \$2,599.98 as a take-home.

In 1944, apparently, you left the Army, because you drew \$135, and returned to Hillsborough County, where you received \$5,000 by taking part of the year of that, your gross income, \$5,133. After your deductions, your net was \$3,177, upon which you paid a tax of \$562, so, we will deduct the \$562 from the \$3,177, \$2,615.

In 1945, apparently, full time as sheriff of Hillsborough County, the gross income \$7,500. That is the only income shown for you from any source. All right. After your deductions your net was \$5,431 upon which you paid a tax \$1,245, so we will subtract the \$1,245 from the \$5,431, and you had a take-home of \$4,186.

Now, in the year 1946, the same situation prevailed, \$7,500, gross income, a net of \$4,557, upon which a tax of \$935 was paid, so we take \$935 from the \$4,557 and there is a take-home of \$3,622 for 1946.

In 1947, gross income, \$7,500 and net income of \$4,726, and a tax paid of \$977. Take the \$977 from the \$4,726 and we have a take-home of \$3,749.

In 1948, gross income, \$7,500, plus a miscellaneous income of a \$1,000, making a total gross of \$8,500. What was that \$1,000 2 years ago?

Mr. CULBREATH. That was rent on a little house I owned on one of these pieces of property.

Mr. RICE. You have your net in round figure of \$1,000.

Mr. CULBREATH. I don't know, unless it was some bonds that was cashed. I don't remember what it would be.

Mr. RICE. When you cash bonds, is that income?

Mr. CULBREATH. No, sir; not all of it.

Mr. RICE. What other source of income was available to you 2 years ago?

Mr. CULBREATH. Well, it could have been for the sale of some oranges, I guess, some stuff off of this little farm that I mentioned. I don't know of anything else it could have been.

Mr. RICE. Is it not required that when you have a farm that you file a farm return?

Mr. CULBREATH. Mine is not large enough for that and I got out of the thing. It is just a very small place.

Mr. RICE. Do you want to say that the \$1,000 is the result of sale of citrus on the farm?

Mr. CULBREATH. No, sir. I will say the \$1,000 is correct. I would have to go back and check with Mr. Harvey to see what the situation is, because he made the return and I don't know. But I gave him the figures.

Mr. RICE. Did it come from Jimmie Velasco?

Mr. CULBREATH. No, sir.

Mr. RICE. You know where it did not come from, do you?

Mr. CULBREATH. No, sir; it did not come from him either.

Mr. RICE. But you do know where it did come from?

Mr. CULBREATH. I cannot say here, but I can establish the fact.

Mr. RICE. You can establish it. A tax paid of \$926. The net was \$5,357, tax paid \$926; \$926 from \$5,357, and we have a take-home of \$4,431.

Now, in 1949 you have a gross from Hillsborough County of \$7,500, and a rent of \$90. Incidentally, what was that rent on?

Mr. CULBREATH. That was on a small house.

Mr. RICE. Is that included in your property, which is listed?

Mr. CULBREATH. Yes; it is listed.

Mr. RICE. And an interest item of \$1,500, income from interest. What was that from?

Mr. CULBREATH. That would be on cashing in of bonds.

Mr. RICE. That is cashing in of bonds?

Mr. CULBREATH. Yes; that is cashing in of bonds.

Mr. RICE. Cashing the bonds out. All right. Do you have any idea of what the total market value of those bonds would be?

Mr. CULBREATH. No, sir.

Mr. RICE. Which produced \$1,500 interest?

Mr. CULBREATH. No, sir; I don't.

Mr. RICE. Would it be roughly around \$50,000?

Mr. CULBREATH. If it is, it is wrong.

Mr. RICE. How many bonds did you cash?

Mr. CULBREATH. I don't remember, Mr. Rice. I don't know what all that was. You say it is interest?

Mr. RICE. Yes, sir.

Mr. CULBREATH. I don't know. You can develop that by getting hold of Mr. Harvey. He can explain that.

Mr. RICE. Is this the only time you ever cashed bonds?

Mr. CULBREATH. I don't think I ever cashed them more than once or twice.

Mr. RICE. Did you do it more than once?

Mr. CULBREATH. I think I did, yes, sir.

Mr. RICE. What year was that that you did the other time?

Mr. CULBREATH. I don't remember.

Mr. RICE. Was it 2 years ago, 3 years ago, or 10 years ago? It was after the war, was it not?

Mr. CULBREATH. Yes, I think it was after the war.

Mr. RICE. So that the bonds that you cashed that year—we have counted them. Now there were some other bonds that you cashed. That was sometime in 1945.

Mr. CULBREATH. If there was any cashed it would be in reporting interest, I imagine.

Mr. RICE. You are going back to all of 1 year—

Mr. CULBREATH. Then I would have to check with Mr. Harvey's office to get the net on that because I don't remember, but I am sure he would be glad to give it to you.

Mr. RICE. But you think you may have cashed bonds in another year, other than 1949?

Mr. CULBREATH. Yes, I may have.

Mr. RICE. How do you account for the fact that if you did that, you did not show any income from the interest?

Mr. CULBREATH. If I didn't show it, it was just an oversight.

Mr. RICE. It was an oversight?

Mr. CULBREATH. I would say, if I didn't show it. That is all.

Mr. RICE. Do you think that you ever committed an oversight?

Mr. CULBREATH. Well, I have committed some in my life and I guess I will commit some more.

Mr. RICE. The total income in that year of \$9,090 and a net after deductions of \$4,950, with taxes paid of \$848, so we take the \$848 from the \$4,950 and have a take-home of \$4,102.

All right, is this a fair picture of your income for the years 1941 to 1949, your take-home?

Mr. CULBREATH. Yes, sir.

Mr. RICE. All right. Add that up, Mr. Klein.

(Mr. Klein complied and reported \$36,014.98.)

Mr. RICE. All right. He had in 1940, when he started, what?

Mr. KLEIN. \$27,000.

Mr. RICE. All right, add the \$27,000 in there.

Mr. KLEIN. \$63,014.98.

Mr. RICE. All right, turn it over and add up the other side.

Mr. KLEIN. \$95,893.52.

Mr. RICE. This \$95,893.52, then, represents your property acquisitions and present holdings, since 1940, is that correct?

Mr. CULBREATH. Property?

Mr. RICE. Yes, sir.

Mr. CULBREATH. Yes, sir.

Mr. RICE. That you have acquired since then?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Now, during that time you took in, according to your income-tax figures, \$36,000. Would you like to explain how you do it?

Mr. CULBREATH. Well, I thought we explained that earlier. It is a lot of money there I testified I had that you have not taken into consideration.

Mr. RICE. All right, where is the money?

Mr. CULBREATH. It is spent.

Mr. RICE. It is spent?

Mr. CULBREATH. Yes; it is money that I have made, is what I bought the property with, what I have on hand.

Mr. RICE. You bought the property with it, it cost you that, you put it out?

Mr. CULBREATH. Yes, sir. If you will check the record I testified about the money I made from 1940, and you just go back to 1940 there. We have not gone back to 1930.

Mr. RICE. You testified, though, that you only had \$27,000?

Mr. CULBREATH. No, sir; I beg your pardon.

Mr. RICE. Do you want to change your testimony?

Mr. CULBREATH. No, sir.

Mr. RICE. What do you want to say?

Mr. CULBREATH. I want it to stand just like it is.

Mr. RICE. All right, if it is all right with you.

Mr. CULBREATH. I did not testify to that.

Mr. RICE. What do you estimate your living expenses are each year from your take-home?

Mr. CULBREATH. Well, just average; whatever they would be for an average family, a man and his wife.

Mr. RICE. Didn't you have a boy in college?

Mr. CULBREATH. I did, and the Government paid for it.

Mr. RICE. Both boys?

Mr. CULBREATH. Well, one went to Annapolis and the other one went to the University of Georgia under the GI bill. I imagine they paid for both of them.

Mr. RICE. You imagine they did?

Mr. CULBREATH. Yes, sir.

Mr. RICE. It didn't cost you anything, anyway?

Mr. CULBREATH. No; it cost the Government.

Mr. RICE. How about during the summer?

Mr. CULBREATH. In the summer he worked.

Mr. RICE. Do you want to go back to 1940 and tell us how much you had then?

Mr. CULBREATH. I testified to what I had between 1930 and 1940 early in this hearing. I want to stand on that.

Mr. RICE. You want to stand on that?

Mr. CULBREATH. Yes, sir.

Mr. RICE. I think the record shows \$27,000.

Mr. CULBREATH. No, sir; it won't show that.

Mr. RICE. What will it show?

Mr. CULBREATH. You were talking about that report there that was filed with the bonding company. You are not talking about what I earned or what I told you.

Mr. RICE. I am not talking about anything but what you said. Tell us what you had in 1940?

Mr. CULBREATH. I stand on the testimony I have given.

Mr. RICE. Then your explanation for your ability to spend more than you take in is that you had something, which you don't care to talk about, before. Is that it?

Mr. CULBREATH. No, sir. Mr. Rice, if you made \$5,000 this year and don't spend it this year, there is nothing wrong with your spending it next year.

Mr. RICE. Not a thing.

Mr. CULBREATH. Not a thing. It is your money and you can spend it, and if you don't want to spend it the next year and you want to spend it the second or the third or fourth or fifth or tenth year, you can do that.

Mr. RICE. You have testified what your income was during the time you were in the meat business and during the time you were in the fish business, and arrived at a figure there.

Mr. CULBREATH. And constable at \$7,500 a year with no income tax taken off of it. That is not shown there at all, and all that goes in. I want to be fair to you, but I am just one member of the Government of this country. I am just one of the people, the same as you are, and I don't think it is fair for you to sit over there and try to make me look bad or to put words in my mouth and don't give the other side a fair chance.

Mr. RICE. You have a chance. You have a chance to straighten us out and you are not doing it.

Mr. CULBREATH. I am doing the best I can, and I have given you the facts, and that is what they are, and I am going to stand on them.

Senator HUNT. Sheriff, the statement here, on question 40, as signed by you on December 9, 1940, reads as follows:

Give approximate value of personal property, stating whether household goods, cash on hand or in banks, or anything of value.

You state that, above your signature, to be \$30,000, and you make no qualifications. Now, either your statement to the committee today is in error or this was not a truthful statement. Now, which—

Mr. CULBREATH. This is not a truthful statement.

Senator HUNT. Which do you want to stand on?

Mr. CULBREATH. That is not a truthful statement. I explained that when I testified or answered Mr. Rice's questions that I only put down what I felt was necessary to satisfy the bonding company.

Senator HUNT. Then this statement that you have placed your signature to is an incorrect statement?

Mr. CULBREATH. That is not a true picture of my worth at that time, Senator.

Mr. RICE. Are you in the habit of signing incorrect statements?

Mr. CULBREATH. Mr. Rice, I explained that to you. I—

Mr. RICE. No; you haven't explained that.

Mr. CULBREATH. About a dozen times, that same piece of paper and what we did, what I did.

Mr. RICE. You falsified it?

Mr. CULBREATH. No. That is true. I owned that much.

Mr. PIERCE. I object to that, Mr. Chairman. It may be an inadequate statement but it wouldn't necessarily be a false statement.

Senator HUNT. Sheriff, earlier in the testimony this afternoon we requested one additional piece of information. You were kind enough to consent for a member of the staff to go with you—I think it is to your home—

Mr. CULBREATH. Yes, sir.

Senator HUNT. To look into the safe at your home.

Mr. CULBREATH. Yes, sir.

Senator HUNT. We will excuse you now, and you may proceed to your home with a member of our staff; then, if you will, return.

Mr. CULBREATH. Yes, sir. Fine.

Mr. PIERCE. Is the sheriff released or does he have to come back?

Senator HUNT. His subpoena still holds.

[To Mr. Rice.] You are going with him?

Mr. RICE. Ralph Mills will go along.

Mr. PIERCE. Who is Ralph Mills?

Mr. RICE. A member of the staff.

(Witness temporarily excused.)

TESTIMONY OF ANTONIO DESCHAMPS, KEY WEST, FLA.

Senator HUNT. Mr. Deschamps, please. Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DESCHAMPS. I do.

Mr. RICE. Will you state your name and address for the record, Mr. Deschamps?

Mr. DESCHAMPS. Antonio Deschamps, Key West, Fla.

Mr. RICE. Key West, Fla. Did you formerly live in the Tampa area, Mr. Deschamps?

Mr. DESCHAMPS. Yes; I did.

Mr. RICE. Now, sir, you are here in response to a subpoena served upon you?

Mr. DESCHAMPS. Yes, sir.

Mr. RICE. Now, then, when you were in Tampa, what did you do?

Mr. DESCHAMPS. I worked for Jimmy Velasco.

Mr. RICE. You worked for Jimmy Velasco. How long ago was that?

Mr. DESCHAMPS. Up until the time he got killed.

Mr. RICE. When did you start working for him?

Mr. DESCHAMPS. It would have been a little over 2 years before.

Mr. RICE. So for the 2 years prior to the time he was killed you were working for Velasco?

Mr. DESCHAMPS. Yes.

Mr. RICE. What was he doing? What was his job?

Mr. DESCHAMPS. His job?

Mr. RICE. Yes.

Mr. DESCHAMPS. He was banking bolita.

Mr. RICE. He was banking bolita. He was a gambling operator. And what was your job?

Mr. DESCHAMPS. Just checking.

Mr. RICE. Just checking. What did you check?

Mr. DESCHAMPS. Checked the sale of the bolita peddlers.

Mr. RICE. You kept the accounts and records for Jimmy Velasco?

Mr. DESCHAMPS. Well, not exactly.

Mr. RICE. But you checked the bolita sales for him?

Mr. DESCHAMPS. Yes.

Mr. RICE. And you worked very closely with Jimmy Velasco on that and would see him every day?

Mr. DESCHAMPS. Pretty near every day.

Mr. RICE. Every day. Were you ever arrested in doing that?

Mr. DESCHAMPS. No.

Mr. RICE. Are you related to Velasco?

Mr. DESCHAMPS. Yes, sir.

Mr. RICE. What relation are you or were you?

Mr. DESCHAMPS. First cousin.

Mr. RICE. Now, then, tell us what you know about Velasco's arrangements for protection from arrests for his peddlers? How did that work?

Mr. DESCHAMPS. Well, I don't know very much about it. I never did make it a point to ask him any questions. But one particular day that bad numbers came out, he lost quite a bit of money, and in doing the checking he started drinking. So, when we got through with the checking, on the way to take him home, he said, "You see, this is what gets me. After losing all this money, I have still got to make this kind of a pay-off." So I had noticed several times on this in-and-out sheet that they used to make.

Mr. RICE. An in-and-out sheet?

Mr. DESCHAMPS. Daily.

Mr. RICE. An in-and-out sheet?

Mr. DESCHAMPS. Yes.

Mr. RICE. I show you some photographs and ask you if you recognize them. What are those?

MR. DESCHAMPS. These are some of the lists.

MR. RICE. Those are the in-and-out sheets. How do they work?

MR. DESCHAMPS. Well, these show the name of the peddler. These are the sales and this is the hits.

MR. RICE. This is the name of the peddler in the first column?

MR. DESCHAMPS. Yes.

MR. RICE. And this is what?

MR. DESCHAMPS. This is the sale.

MR. RICE. The amount of sale that they made of bolita. Over what period?

MR. DESCHAMPS. After taking their commission off.

MR. RICE. After deducting his commission. What was his commission?

MR. DESCHAMPS. Fifteen percent.

MR. RICE. The peddler got 15 percent of his gross business?

MR. DESCHAMPS. Yes.

MR. RICE. What is this column?

MR. DESCHAMPS. This is the hits.

MR. RICE. The hits. What happened to a peddler on a hit?

MR. DESCHAMPS. What do you mean?

MR. RICE. If a peddler sells a dollar's worth of numbers he deducts 15 percent and turns in 85 percent. Now, suppose there is a hit on that number. What does he get?

MR. DESCHAMPS. Well, say it is a \$4 hit, why they send him \$4.

MR. RICE. The banker pays and it doesn't affect his income at all?

MR. DESCHAMPS. That's right.

MR. RICE. And these are the hits on this column?

MR. DESCHAMPS. That's right.

MR. RICE. This column is the hits, and this column—it is the same thing over again?

MR. DESCHAMPS. Yes.

MR. RICE. Now, these are the totals?

MR. DESCHAMPS. Yes, sir.

MR. RICE. This is the gross action or business, and these are the total hits?

MR. DESCHAMPS. Yes.

MR. RICE. In your practice, do you find that hits ever come close to the action or the total?

MR. DESCHAMPS. Oh, sometimes they were more than that.

MR. RICE. On the average, on the whole, it is a money-making proposition, isn't it?

MR. DESCHAMPS. Oh, yes, sir.

MR. RICE. And what are these figures down at the bottom here?

MR. DESCHAMPS. Well, this is where they used to put the expenses.

MR. RICE. All right. Tell me about those.

MR. DESCHAMPS. I don't know about those.

MR. RICE. You handled those, didn't you?

MR. DESCHAMPS. No, sir.

MR. RICE. You handled the figures?

MR. DESCHAMPS. No, sir.

MR. RICE. Well, you understood what the expenses were?

MR. DESCHAMPS. Well, this expense.

MR. RICE. Read them.

Mr. DESCHAMPS. I can't read those.

Mr. RICE. You can't read those. Didn't you write these?

Mr. DESCHAMPS. No, sir.

Mr. RICE. You handled others like this?

Mr. DESCHAMPS. Something like that, on that order, but those are not some of the ones.

Mr. RICE. Well, now, do you recognize those as Velasco's peddlers?

Mr. DESCHAMPS. No, sir.

Mr. RICE. Who do you think they are?

Mr. DESCHAMPS. I couldn't say for sure who they belong to.

Mr. RICE. They are exactly similar to Velasco's rundown sheets?

Mr. DESCHAMPS. Yes.

Mr. RICE. And how did he handle his protection? How were the payments made?

Mr. DESCHAMPS. Well, I couldn't say exactly about that. As I was saying before, on this particular day that he had made a big loss—

Mr. RICE (interrupting). He had a big loss.

Mr. DESCHAMPS. And I was driving him home.

Mr. RICE. Yes.

Mr. DESCHAMPS. He had made this remark about having to, after losing all that money, he still had to pay—to make this big payoff.

Mr. RICE. What were those big payoffs that he had to make?

Mr. DESCHAMPS. Well, I had noticed at the bottom of the list some names, one name in particular on top. That name was Cabeza de Melon.

Mr. RICE. How do you spell that? Is that a Spanish word?

Mr. DESCHAMPS. Well, translated it means melon head.

Mr. RICE. And who was that?

Mr. DESCHAMPS. I couldn't say for sure. From what I heard that was the sheriff.

Mr. RICE. That referred to the sheriff, Sheriff Culbreath. Melon head?

Mr. DESCHAMPS. Yes. I didn't name him that myself but I have heard that name several times.

Mr. RICE. What other names were on there?

Mr. DESCHAMPS. There was an R next to that.

Mr. RICE. What did that stand for?

Mr. DESCHAMPS. Let me get to this point first?

Mr. RICE. Sure.

Mr. DESCHAMPS. When I was taking him home that afternoon, I had noticed those names there several times and I had never asked him about that myself, but this day—I don't know—I was just curious, I guess—and I asked him who they were. There was melon head, the sheriff.

Mr. RICE. Cabeza de Melon was on there?

Mr. DESCHAMPS. Yes.

Mr. RICE. And R.

Mr. DESCHAMPS. R was Rex, Rex Farrior.

Mr. RICE. Rex Farrior, he was State attorney.

Mr. DESCHAMPS. Yes; and E. D. was Chief of Police Eddings.

Mr. RICE. What was under that?

Mr. DESCHAMPS. E. D.

Mr. RICE. That was Chief of Police, J. L. Eddings, the former chief of police?

Mr. DESCHAMPS. That's right.

Mr. RICE. Now what were the figures next to those names, the amounts?

Mr. DESCHAMPS. Well, this top one, it was \$500.

Mr. RICE. On the top one, melon head, it was \$500. Is that a weekly figure?

Mr. DESCHAMPS. I think they were weekly; yes.

Mr. RICE. A weekly figure. All right. What was on the R?

Mr. DESCHAMPS. \$500.

Mr. RICE. \$500 or more. And how about E. D.?

Mr. DESCHAMPS. \$250.

Mr. RICE. Was that, of your knowledge, in operations there, a weekly payoff to the three officials, totaling, \$1,250?

Mr. DESCHAMPS. That's right.

Mr. RICE. Did that take place during the entire time that you were with Jimmy, to your knowledge?

Mr. DESCHAMPS. Well, I couldn't swear to that. Sometimes I saw that list and sometimes I didn't.

Mr. RICE. Well, what was the word you got from Jimmy as to the protection. You knew he was paying it because they were permitting you to operate, isn't that true?

Mr. DESCHAMPS. I couldn't say to that.

Mr. RICE. Well, what kept you from being arrested?

Mr. DESCHAMPS. I don't know.

Mr. RICE. There was a payoff, was there not?

Mr. DESCHAMPS. It looked to me like there was.

Mr. RICE. That was your understanding?

Mr. DESCHAMPS. Yes.

Mr. RICE. Now, were there any other officials paid also? How about the constable?

Mr. DESCHAMPS. I couldn't say.

Mr. RICE. Any deputies?

Mr. DESCHAMPS. I couldn't say about that.

Mr. RICE. How about Mayor Hixon?

Mr. DESCHAMPS. Him either.

Mr. RICE. Nothing you mean?

Mr. DESCHAMPS. I couldn't say anything about that.

Mr. RICE. How about Walter Wooten?

Mr. DESCHAMPS. No, sir.

Mr. RICE. Now, on that afternoon the complaint was made, he had been hit hard and actually had lost for that day, but still he had to make a payoff?

Mr. DESCHAMPS. That's right.

Mr. RICE. And it was just in the nature of a complaint?

Mr. DESCHAMPS. That's right.

Mr. RICE. And that continued, so far as you know, up until the time of his death?

Mr. DESCHAMPS. Yes, sir.

Mr. RICE. And you were with him until the time of his death?

Mr. DESCHAMPS. Yes, sir.

Mr. RICE. What happened to you after that?

Mr. DESCHAMPS. What happened to me?

Mr. RICE. Yes.

Mr. DESCHAMPS. I left town.

Mr. RICE. You left town?

Mr. DESCHAMPS. Yes, sir.

Mr. RICE. Did you go somewhere for your health?

Mr. DESCHAMPS. I went some place looking for something to do to make a living.

Mr. RICE. Really, why did you leave town?

Mr. DESCHAMPS. Because I was disgusted with Tampa.

Mr. RICE. What contributed to your disgust?

Mr. DESCHAMPS. The things that happen here for so many years that would disgust anybody.

Mr. RICE. People being murdered and a few things like that?

Mr. DESCHAMPS. Yes.

Mr. RICE. Did you occasionally drive—you said you drove Jimmy around?

Mr. DESCHAMPS. Sometimes.

Mr. RICE. Did you ever take him to the home of Mayor Hixon?

Mr. DESCHAMPS. Yes, sir.

Mr. RICE. A number of times?

Mr. DESCHAMPS. Maybe twice. Maybe a couple or three times.

Mr. RICE. At night or day?

Mr. DESCHAMPS. Night.

Mr. RICE. What happened when you went there?

Mr. DESCHAMPS. I just drove there. That's all.

Mr. RICE. And he went in?

Mr. DESCHAMPS. He went in.

Mr. RICE. How long did he stay?

Mr. DESCHAMPS. Maybe a half hour or an hour.

Mr. RICE. Then what?

Mr. DESCHAMPS. He came out.

Mr. RICE. Did he say anything about what he did in there?

Mr. DESCHAMPS. No.

Mr. RICE. While he was in there, where did you park?

Mr. DESCHAMPS. Maybe a block or a block and a half from the house.

Mr. RICE. Why did you do that?

Mr. DESCHAMPS. He told me to.

Mr. RICE. You parked away from there. Did you go around the corner somewhere?

Mr. DESCHAMPS. No, sir; just parked.

Mr. RICE. You just parked?

Mr. DESCHAMPS. A little way from there to wait for him.

Mr. RICE. Why did he want you to do that?

Mr. DESCHAMPS. I don't know. He didn't say.

Mr. RICE. How did he find you when he came out?

Mr. DESCHAMPS. I would be parked in the same place.

Mr. RICE. You had to find him or he had to find you?

Mr. DESCHAMPS. He would find me.

Mr. RICE. He had to find you. I think that is all for now. You may be excused, Mr. Deschamps.

(Witness excused.)

Senator HUNT. Mr. Lounders, please take the witness chair.

TESTIMONY OF MARIO LOUNDERS, HIALEAH, FLA.

Senator HUNT. Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LOUNDERS. I do.

Mr. RICE. Mr. Lounders, will you state your name and address for the record?

Mr. LOUNDERS. Mario Lounders.

Mr. RICE. Yes, sir.

Mr. LOUNDERS. 721 Southeast Sixth Place, Hialeah, Fla.

Mr. RICE. Hialeah, Fla. Now, Mr. Lounders, how long have you been down at Hialeah?

Mr. LOUNDERS. Two years.

Mr. RICE. Going on 2 years?

Mr. LOUNDERS. Yes.

Mr. RICE. And what did you do before that?

Mr. LOUNDERS. Before that I worked, had a little grocery store, and before that had a filling station.

Mr. RICE. Where?

Mr. LOUNDERS. In Tampa.

Mr. RICE. In Tampa?

Mr. LOUNDERS. Yes.

Mr. RICE. Did you work for Jimmy Velasco?

Mr. LOUNDERS. No, sir. I helped sometimes. He was my cousin.

Mr. RICE. He was your cousin?

Mr. LOUNDERS. Yes.

Mr. RICE. What did you help him do?

Mr. LOUNDERS. I drove him around sometimes. I took him around sometimes, when he used to call me at the house to take him around.

Mr. RICE. And you drove him around?

Mr. LOUNDERS. A few times, I did.

Mr. RICE. Now, you more or less acted as a chauffeur or driver as an accommodation to Velasco?

Mr. LOUNDERS. Yes.

Mr. RICE. He was a bolita peddler, was he not?

Mr. LOUNDERS. He was.

Mr. RICE. Now, tell us about his arrangements for protection from law enforcement.

Mr. LOUNDERS. Well, a few times that I took him—he told me to take him out in the nighttime to take some money in an envelope, and I asked him a few times what it was about, what he had in the envelopes, and he told me—

Mr. RICE (interrupting). Wait a minute. You made the statement that he had an envelope?

Mr. LOUNDERS. Yes; he had an envelope.

Mr. RICE. He had an envelope with him?

Mr. LOUNDERS. That's right. I asked him what he had in it, and he said money, and I asked him "money for who?" He said, "You will see now when you take me." And when I took him he said, "This is for the sheriff." He said, "Take me to the county jail." So I took him to the county jail and he got out with the money and went inside. So, I stayed outside all of the time and when he came out, then we went somewhere else when he came out.

Mr. RICE. Did he have one less envelope?

Mr. LOUNDERS. Yes, sir.

Mr. RICE. What did the envelope look like?

Mr. LOUNDERS. It was a white, long envelope.

Mr. RICE. Plain?

Mr. LOUNDERS. Yes.

Mr. RICE. Was anything written on it?

Mr. LOUNDERS. I couldn't see it at night if it had anything written on it. Then, we went to Chief Eddings' house on Davis Islands, across from the golf course.

Mr. RICE. He was across from the golf course?

Mr. LOUNDERS. He was across from the golf course, where Chief Eddings lives. He left another envelope over there and told me it was for Chief Eddings.

Mr. RICE. How long was he over there?

Mr. LOUNDERS. He left the money and went by the house, and left the money there.

Mr. RICE. Did you go with him?

Mr. LOUNDERS. No, sir. I went with him, but not inside.

Mr. RICE. You left it right at his home?

Mr. LOUNDERS. That's right.

Mr. RICE. Do you know who he left it with?

Mr. LOUNDERS. Well, I can't say.

Mr. RICE. Anyone he found there?

Mr. LOUNDERS. Yes, that is right. I couldn't tell you that, because I never went in.

Mr. RICE. And who else?

Mr. LOUNDERS. Well, Rex Farrior. That was in the daytime with Rex Farrior most of the time. I took him over in the daytime to the Tampa Theater Building.

Mr. RICE. He would go in the Tampa Theater Building?

Mr. LOUNDERS. I would leave him over there at the entrance of the Tampa Theater Building and I would go and park and sometimes I would go around the block a couple of times, and he would come out.

Mr. RICE. And did he take an envelope there?

Mr. LOUNDERS. Yes, sir.

Mr. RICE. Now, that is three. Were there any others?

Mr. LOUNDERS. That's all.

Mr. RICE. Just those three envelopes?

Mr. LOUNDERS. Yes.

Mr. RICE. Did he tell you what the arrangements were with Farrior or Eddings or Culbreath?

Mr. LOUNDERS. Well, I asked him a few times, it seems like I did, what kind of money was it, and he told me he paid the sheriff \$1,000 a week.

Mr. RICE. \$1,000 a week?

Mr. LOUNDERS. That's right, \$1,000 a week. And Chief Eddings ran from \$250 to \$400 a week, and Farrior used to get from \$500 to \$2,000, not every week.

Mr. RICE. Once in awhile?

Mr. LOUNDERS. Once in a while, that's right.

Mr. RICE. How many times would you say that you drove Jimmy around?

Mr. LOUNDERS. Oh, about 8 or 10 times.

Mr. RICE. Did you ever go 2 weeks consecutively, 2 weeks in a row?

Mr. LOUNDERS. No, I did not.

Mr. RICE. You would go a week and skip a week?

Mr. LOUNDERS. That's right.

Mr. RICE. Well, now, you took \$1,000 a week to Sheriff Culbreath. Did you have any knowledge or impression that anyone else shared in that, that that was passed down to the deputies?

Mr. LOUNDERS. No. I can't answer that, because I didn't know. He never told me that. He just told me that he had to take it, take it in to the sheriff.

Mr. RICE. He had to take it into the sheriff?

Mr. LOUNDERS. That's right.

Mr. RICE. Was that payoff arrangement perfectly satisfactory to Jimmy or was it burdensome?

Mr. LOUNDERS. Well, once or twice—you mean if he had enough money to pay for it?

Mr. RICE. Was it too much? Was he complaining?

Mr. LOUNDERS. Yes, he was complaining most of the time.

Mr. RICE. What did he say?

Mr. LOUNDERS. He said it was taking everything he was making and more.

Mr. RICE. Well, what were they doing? Putting pressure on him?

Mr. LOUNDERS. It looked like it. That's what it was.

Mr. RICE. Who was it that was putting the pressure on him?

Mr. LOUNDERS. I don't know where it came from; but it could have come from Sheriff Culbreath.

Mr. RICE. Who was Mr. Big?

Mr. LOUNDERS. I can't tell you that. I never asked about that.

Mr. RICE. Who was the real boss?

Mr. LOUNDERS. Well, I don't know. I don't know who. Like I told you, he paid the three of them—the sheriff, the State attorney, and the chief of police, so between the three of them, I don't know which of the three of them was the biggest.

Mr. RICE. Do you have any questions, Senator?

Senator HUNT. Did you ever see this envelope prepared before they were delivered? Did you ever see the money placed in the envelopes?

Mr. LOUNDERS. No, sir; I did not.

Senator HUNT. When Jimmy would go to deliver envelopes he didn't leave any remaining—if he was going to make three deliveries that day he, of course, would carry all three envelopes with him to each place. Did he ever leave any envelope with you?

Mr. LOUNDERS. No, he didn't. He always put it in a different pocket in his coat inside, and outside of his pocket. Probably, he would know which was which.

Senator HUNT. Now, do you bear any ill will or any unkind feeling toward either of the three men that Jimmy was paying off?

Mr. LOUNDERS. No, sir.

Senator HUNT. None whatsoever?

Mr. LOUNDERS. No, sir; none whatsoever.

Senator HUNT. They have never injured you in any way?

Mr. LOUNDERS. No, sir.

Senator HUNT. In no way?

Mr. LOUNDERS. No, sir. In fact, I don't believe they know me.

Senator HUNT. So, there is no malice in your make-up with reference to these three gentlemen?

Mr. LOUNDERS. No, sir.

Senator HUNT. You were just simply accommodating your cousin by acting as chauffeur?

Mr. RICE. With respect to Rex Farrior, the State attorney, I believe you said that the amount paid to him, according to your information, varied?

Mr. LOUNDERS. Yes, sir; it varied.

Mr. RICE. What controlled that variance?

Mr. LOUNDERS. I couldn't tell you about that, because I don't know anything about that.

Mr. RICE. Did he participate in a percentage of the profits?

Mr. LOUNDERS. That is what it looked like.

Mr. RICE. Was that your understanding?

Mr. LOUNDERS. That is what I think. It looks like to me if it varies from \$500 to \$2,000 it should be that.

Mr. RICE. Did Jimmy tell you that?

Mr. LOUNDERS. No; he didn't.

Mr. RICE. Did you get the impression that he was a good friend of Farrior?

Mr. LOUNDERS. I think Jimmy thought a lot of Mr. Farrior.

Mr. RICE. Why do you say that?

Mr. LOUNDERS. Because whenever I went with him he talked nice about him, how nice a man he was.

Mr. RICE. He would take less some weeks than he would others?

Mr. LOUNDERS. That is right.

Mr. RICE. I think that is all.

Senator HUNT. The hearing will stand in recess for 10 minutes. (Recess had.)

Senator HUNT. Is Oscar Perez in the room?

TESTIMONY OF OSCAR PEREZ, MIAMI, FLA.

Senator HUNT. Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PEREZ. I do.

Mr. RICE. How do you pronounce your name?

Mr. PEREZ. Perez, P-e-r-e-z.

Mr. RICE. And what is your full name?

Mr. PEREZ. Oscar J. Perez.

Mr. RICE. And where do you reside?

Mr. PEREZ. I reside on Fifty-sixth Street in Miami.

Mr. RICE. And you are appearing here in response to subpoena?

Mr. PEREZ. Yes.

Mr. RICE. How long have you been down in Miami?

Mr. PEREZ. A little better than 3 years.

Mr. RICE. And before that, what did you do?

Mr. PEREZ. I was Jimmy Velasco's private chauffeur.

Mr. RICE. Here in Tampa?

Mr. PEREZ. Yes, sir.

Mr. RICE. How long were you with Velasco?

Mr. PEREZ. I would say for a period of about 3 years.

Mr. RICE. About 3 years? And what was his business?

Mr. PEREZ. He was in the bolita business and gambling in general.

Mr. RICE. I see. What did you do as his chauffeur?

Mr. PEREZ. My duty was to drive him to and from every place that he went, with the exception of those moments when I had to go home for dinner or otherwise.

Mr. RICE. I see. And when he went to and from, did he usually go armed?

Mr. PEREZ. Well, from late in the afternoon, I would say from 5 o'clock in the afternoon, we would go to his house and he would get his revolver and he would be armed from then on until I would leave his home late at night, sometime about 2 or 3 or 4 o'clock in the morning.

Mr. RICE. He would be armed then? How about you?

Mr. PEREZ. I stayed armed all the time.

Mr. RICE. You stayed armed all the time?

Mr. PEREZ. Yes, sir.

Mr. RICE. Would you say that you served as a bodyguard, as well as a chauffeur?

Mr. PEREZ. No, sir; because I don't believe that I am qualified to act as a bodyguard. In the first place, I don't think that I can intimidate anybody—I don't look to be a tough guy—I can't intimidate anybody by looking at them, or that I can forcefully beat up anybody, because physically I don't believe that I am capable of probably holding my own.

Mr. RICE. How about with bullets?

Mr. PEREZ. Well, I am not an expert marksman. I can shoot a gun, I guess.

Mr. RICE. What was the reason for carrying the guns?

Mr. PEREZ. Well, my reason for carrying a gun was for myself and protection. I saw he was armed so I took it for granted that if he was armed it was because he feared somebody would hurt him. Me being in the car as well, why, I thought that at least I should have some means of protection and carried my own gun.

Mr. RICE. Could you give us some idea of the syndicate here in Tampa, as you knew it, both from your personal observation and from your close association with Jimmy Velasco, who the figures were?

Mr. PEREZ. Well, let me understand your question correctly. You want me to describe the members of the syndicate, is that it?

Mr. RICE. If you know them.

Mr. PEREZ. Well, to the best of my knowledge, the members of the syndicate, as I understand it—of course, I may be wrong—

Mr. RICE. Was Primo Lazzaro, as a front for Red Italiano and Jimmie Lumia—

Mr. PEREZ. Yes.

Mr. RICE. One section? Gus Friscia on another section?

Mr. PEREZ. Yes.

Mr. RICE. Angel Daniel on another section?

Mr. PEREZ. Yes.

Mr. RICE. The Trafficantes in another section?

Mr. PEREZ. Yes.

Mr. RICE. Decidue in another section?

Mr. PEREZ. Yes. Jimmy Velasco was given a cut, the way I understand it, of Gus Friscia's business, which was very liberal. Jimmy and I had talked together several times and he told me they did that because they were only giving him 15 percent of the business of Gus Friscia and they didn't want to cut him in on the rest of the business.

Mr. RICE. Now who bossed this arrangement? Who is "they" that would only give him the cut? Who is the boss?

Mr. PEREZ. The Trafficantes was fronting for one section, Primo Lazzaro was fronting for another, Gus Friscia for another, and so on and so forth, so the higher-ups as far as Jimmie Velasco was concerned, and he told me—now, I can't personally vouch for this, because I don't know—I am just telling you what someone else related to me—was Sheriff Culbreath, Red Italiano, Jimmie Lumia, and Angel Daniels.

Mr. RICE. They were the higher-ups? They were the board of directors, according to your information?

Mr. PEREZ. Well, something of that sort, yes.

Mr. RICE. Where did Trafficante stand in relation to them?

Mr. PEREZ. Well, I guess he was tied in with them somewhere or another, I might have failed to mention.

Mr. RICE. Did they give him orders or did he give them orders?

Mr. PEREZ. Well, I guess all these fellows that were serving as fronts were taking orders from the real McCoy, from the real guys.

Mr. RICE. Who was the real guy?

Mr. PEREZ. Well, the guys I mentioned, Sheriff Culbreath, Red Italiano, and Angel Daniels.

Mr. RICE. Of the real guys, who would you say was Mr. Big?

Mr. PEREZ. Well, I guess they were all one just as big as the other.

Mr. RICE. They pulled the same way?

Mr. PEREZ. I guess so. Sheriff Culbreath's campaign manager, when he ran for sheriff, was Red Italiano, and Mr. Velasco, Jimmy Velasco's daddy.

Mr. RICE. Yes.

Mr. PEREZ. At least as far as the Latin population was concerned.

Mr. RICE. They were getting votes in the Latin area?

Mr. PEREZ. That is right.

Mr. RICE. Now, tell us about how the protection of the gambling operation worked.

Mr. PEREZ. Well, the way I think it worked was this way. They had to make some kind of a showing—when I say "they" I mean the sheriff—so therefore he arrested some people at some time, but he never arrested those who came under the fronts of other guys, but those who came under Gus Friscia, like Paul Giglia. Paul Giglia was selling directly for Jimmy Velasco and Gus Friscia.

Mr. RICE. Yes.

Mr. PEREZ. So when they had to pull a pinch, they pulled a pinch on Giglia, or some other guy who was under the Velasco set-up, so that would be how much less the boy got.

Mr. RICE. Yes. And did they complain about that—Velasco?

Mr. PEREZ. Well, he did occasionally, but it didn't do him any good.

Mr. RICE. Well, that was all right with him. He was—in general, he was being protected on the top level anyhow, wasn't he?

Mr. PEREZ. Well, he personally was being protected, but his cut was being shorter because every time you took a thousand dollars out of his cut, that was that much less percentage he got.

MR. RICE. Well, now, did you drive him around in connection with the pay-offs to insure this protection?

MR. PEREZ. Well, I drove him everywhere.

MR. RICE. Where did you drive him?

MR. PEREZ. Well, I drove him around town to various different places. I brought him to the sheriff's office, I brought him to the—

MR. RICE. Wait a minute. Now when you went to the sheriff's office, who went in?

MR. PEREZ. Well, Jimmy did all the transacting. I was just merely acting as the chauffeur.

MR. RICE. Did you go in with him?

MR. PEREZ. Well, at times I did, yes. Sat on the porch, and sat in the office there, and just chatted with the boys.

MR. RICE. Did you ever see him give him any money? An envelope?

MR. PEREZ. I have seen him hand him envelopes.

MR. RICE. What was in the envelope?

MR. PEREZ. Money.

MR. RICE. Did you see him put the money in the envelope?

MR. PEREZ. Well, at times I have helped him cut the money.

MR. RICE. You helped him cut—

MR. PEREZ. Count it.

MR. RICE. Count it? You helped him count it?

MR. PEREZ. That is right.

MR. RICE. How much was the weekly amount that was paid to Culbreath?

MR. PEREZ. If I don't recall wrongly, somewhere something around a thousand dollars.

MR. RICE. A thousand dollars a week. Was that for Culbreath, personally, or was he to redistribute that to someone?

MR. PEREZ. Well, that is something I wouldn't know.

MR. RICE. As far as you know, it was a thousand dollars—

MR. PEREZ. As far as I know, it was given to him.

MR. RICE. I see. So there were occasions when you helped to count the money, place it in the envelope and took Velasco to the sheriff's office and saw him hand it to him?

MR. PEREZ. That's right. It would be just a matter of you and I being together and you had a thousand or two thousand or five thousand or ten thousand dollars on the table, and you said, count me a thousand dollars there, and I would just count the thousand and here it is in the envelope.

MR. RICE. What would Culbreath say when he received it?

MR. PEREZ. Well, I wouldn't be able to say that because most of the time when those transactions were taken they would go into the—you see, next to the jail room there is a little office there.

MR. RICE. Yes.

MR. PEREZ. And in that office is some company that has another office, and they would go into that office and talk.

MR. RICE. They would go into the inner sanctum?

MR. PEREZ. That is right. That is what you would call it.

MR. RICE. What would you call it?

MR. PEREZ. Well, I tell you, I wouldn't—the rathole, I guess.

MR. RICE. The rathole. What did you call the sheriff?

MR. PEREZ. Well, I never called him anything. I have heard him called "Melonhead" millions of times.

Mr. RICE. Now, how about Eddings?

Mr. PEREZ. I have been personally to the chief of police's office with Jimmy, and I have also been to the police station, in fact, I used to park in the police station as though I was the mayor.

Mr. RICE. Did you ever go to his home?

Mr. PEREZ. Yes; I have.

Mr. RICE. And where did you park the car when you went to Edding's home

Mr. PEREZ. Right in his own driveway and backed it in instead of facing it in.

Mr. RICE. Did you back the car into the driveway?

Mr. PEREZ. Yes, with the purpose of keeping my license plate away from the view of the people.

Mr. RICE. I see. In Florida, you have just the rear license plate? Then, what would happen then?

Mr. PEREZ. Well, Jimmie would go in. You see that has the garage and that has the breezeway connecting into his home on Davis Island.

Mr. RICE. Yes.

Mr. PEREZ. I would back my car up close to his back door and then he would get off the car and went through the breezeway and then sometimes sit there at the breezeway and sometimes would go in the house and other times they would go in the back of the garage, they had a beautiful lawn there facing a canal or waterway, what you may call it. Sit and talk and they would have a big time there. And one time I went there and I had a terrific argument with Jimmy one night there. That was just before he was killed, a couple of weeks, or something like that.

Mr. RICE. You had an argument?

Mr. PEREZ. No, no, they had an argument.

Mr. RICE. Eddings and Jimmy had an argument? Did Jimmie tell you what that was about?

Mr. PEREZ. Well, no, I didn't question him.

Mr. RICE. How did he come out in the argument?

Mr. PEREZ. Well, I don't know. He was very irate.

Mr. RICE. He was very what?

Mr. PEREZ. Irate; he was mad.

Mr. RICE. Irritated?

Mr. PEREZ. Yes, irritated. And I didn't want to question him because he wasn't in the mood to be questioned.

Mr. RICE. Now, how about Farrior?

Mr. PEREZ. Well, I have gone—

Mr. RICE. Before we leave Eddings, what—did you help to count the money to go to Eddings from time to time?

Mr. PEREZ. I used to help him count the money all the time.

Mr. RICE. And what was his weekly take?

Mr. PEREZ. Well, it varied; sometimes \$500, sometimes \$600; it all depends on things mostly.

Mr. RICE. Why would it vary?

Mr. PEREZ. Well, as in every kind of business I guess you had to balance your budget. [Applause from the audience.]

Sometimes his take during the week will be better than other weeks, and, naturally, your expenses will be a little less or a little more.

Mr. RICE. Was Eddings' arrangement a percentage, then?

Mr. PEREZ. Well, I don't know.

Mr. RICE. Or was he just in a position where he would wait to see what Jimmy gave him, and if he didn't give him enough he would get irritated?

Mr. PEREZ. I wouldn't be able to say that, because I don't know.

Mr. RICE. But Culbreath's was \$1,000 a week flat, win, lose or draw?

Mr. PEREZ. That's right. Sometimes he wouldn't get a thousand dollars—probably got cried out of what was short there.

Mr. RICE. Got what?

Mr. PEREZ. Got cried out of what was short.

Mr. RICE. Eddings drew what, on the average?

Mr. PEREZ. Well, 500, up. Wait a minute, I beg your pardon. I think it was between two-fifty and five hundred. Something like that, something to that effect.

Mr. RICE. It ranged between those figures weekly?

Mr. PEREZ. That's right.

Mr. RICE. How about Farrior?

Mr. PEREZ. Well, I have taken Jimmy on several occasions to Mr. Farrior's home. If I am not mistaken, I think it is located there immediately west of Howard Avenue; somewhere in that section. I don't exactly recall what that street is.

Mr. RICE. And you—

Mr. PEREZ. I have waited there for him sometimes 2, 3, 4 hours; and I have also taken Jimmy Velasco to the Tampa Theater Building and went as far as the elevator with him, and from then on Jimmy went on into the office, and what the transactions were that were taking place, or going on in there, I didn't hear them.

Mr. RICE. Did you help count any money to go in envelopes for Mr. Farrior?

Mr. PEREZ. Yes; I helped count money for everybody.

Mr. RICE. For everybody?

Mr. PEREZ. Yes. When the money was being distributed I was right there, and I wanted to make myself useful, and I helped him.

Mr. RICE. What was Mr. Farrior's arrangement, per week?

Mr. PEREZ. Well, I can't truthfully say it was every week that I went there, understand.

Mr. RICE. Was he irregular?

Mr. PEREZ. Well, something like that.

Mr. RICE. Do you remember any specific amounts that were turned over to Farrior that you helped to count?

Mr. PEREZ. I remember one time counting, I think it was seven or eight hundred dollars. I don't quite remember.

Mr. RICE. Seven or eight hundred dollars?

Mr. PEREZ. Yes.

Mr. RICE. And you took the envelope—

Mr. PEREZ. I didn't take the envelope; Jimmy did.

Mr. RICE. And when he left there he didn't have the envelope?

Mr. PEREZ. That's right.

Mr. RICE. Were these political contributions or was this protection money?

Mr. PEREZ. I don't believe you make political contributions in the middle of an administration. You make political contributions some time in the verge of the campaign.

Mr. RICE. So these times you are talking about, they were not during any campaign period?

Mr. PEREZ. That's right.

Mr. RICE. How about Curtis Hixon?

Mr. PEREZ. I have taken Jimmy Velasco to Mr. Hixson's house on several occasions.

Mr. RICE. What took place there?

Mr. PEREZ. I don't know, because I never went in.

Mr. RICE. Did he take an envelope there?

Mr. PEREZ. Not that I know of.

Mr. RICE. Did he go into the house?

Mr. PEREZ. Yes.

Mr. RICE. At night?

Mr. PEREZ. Yes, sir.

Mr. RICE. He went in?

Mr. PEREZ. I presume he did, yes.

Mr. PRICE. Where did you park your car?

Mr. PEREZ. I parked the car just, I would say—oh, a short distance from the house. He doesn't live right on the corner of the intersection. I think there is a lot or something in between the intersection of the other street and his home.

Mr. RICE. Where does he live?

Mr. PEREZ. He used to live on Amelia. I understand he doesn't live there any more now.

Mr. RICE. At the time you were going there he lived there?

Mr. PEREZ. Yes, sir.

Mr. RICE. And you would go around the corner?

Mr. PEREZ. I would come up Amelia and stop at the corner, and Jimmy would go to his house, and I would come around in a little dark place, out of the way.

Mr. RICE. Why didn't you park right in front?

Mr. PEREZ. I guess publicity didn't work very much. Jimmy didn't want the idea of people knowing he was there.

Mr. RICE. Who was the car listed to?

Mr. PEREZ. Originally, the car was bought by Henry Canto, and Jimmy Velasco bought it from him during the war, because in them days cars weren't available for civilian use, and they could be bought for authorities and doctors, and so on and so forth. This car was bought by Henry Canto and sold to Jimmy.

Mr. RICE. What type of car was it?

Mr. PEREZ. A 1942 Plymouth four-door sedan.

Mr. RICE. That was the one you drove?

Mr. PEREZ. I drove that car.

Mr. RICE. What was Canto's job?

Mr. PEREZ. To the best of my knowledge, he was a deputy sheriff.

Mr. RICE. The car was bought by him?

Mr. PEREZ. Yes; so I understand.

Mr. RICE. And used by you and Jimmy?

Mr. PEREZ. Yes.

Mr. RICE. What were the arrangements with Manuel Garcia?

Mr. PEREZ. Well, I don't know what arrangements Jimmy Velasco had with him. I have taken money to Manuel Garcia on several occasions in this building over here on Lafayette—not Lafayette, I beg pardon—on Madison and Franklin.

Mr. RICE. Did he take money over there?

Mr. PEREZ. I have taken it, personally.

Mr. RICE. You have personally taken money over there?

Mr. PEREZ. Yes, sir.

Mr. RICE. Tell us about that.

Mr. PEREZ. I don't know what transactions it was. I have been told, "Take this to Manny Garcia," and I went over there and gave him money.

Mr. RICE. Who told you to take it?

Mr. PEREZ. Jimmy Velasco.

Mr. RICE. How much did Jimmy give him?

Mr. PEREZ. Well, I can't exactly recall the amount, because it was on various, different occasions. It ranged anywhere to above \$150.

Mr. RICE. Cash money?

Mr. PEREZ. Yes, sir.

Mr. RICE. Did you put it in an envelope?

Mr. PEREZ. Sometimes I did; other times I took the cash.

Mr. RICE. What did you tell Garcia when you would hand it to him?

Mr. PEREZ. I just gave it to him and I would say, "Jimmy sent you this."

Mr. RICE. And walk away?

Mr. PEREZ. Yes.

Mr. RICE. What would he say?

Mr. PEREZ. He wouldn't say.

Mr. RICE. What would he do with it?

Mr. PEREZ. Put it in his pocket. He most certainly wasn't going to lay it around.

Mr. RICE. Now, tell us about the relationship between Velasco and Italiano and Anthony Distributors—whether they got along or whether they argued?

Mr. PEREZ. I understand they didn't get along very well. I have taken Jimmy over to the Anthony Distributors Co., around at the rear door, the rear, drive my car inside the big door of the warehouse, into the warehouse, and Jimmy would go in the office with him, and one time there was a tremendous scandal out there, but it was inaudible to me; I couldn't understand what they were saying because they were in the office, way back in the warehouse. I don't believe I could even approach the place. So they didn't get along very well, I don't think.

Mr. RICE. Who drove Italiano around?

Mr. PEREZ. To the best of my knowledge, nobody ever drove him. He drove his own car; but I would say that somewhere behind his car there would be somebody, always, going hunting.

Mr. RICE. Who would that be?

Mr. PEREZ. Joe Provenzano.

Mr. RICE. Is Provenzano the man who was tried for the murder of Velasco?

Mr. PEREZ. Yes, sir.

Mr. RICE. Did Provenzano go armed, to your knowledge?

Mr. PEREZ. What do you mean by "armed"? Concealed weapons?

Mr. RICE. Yes.

Mr. PEREZ. The only thing, the only thing I always seen him carrying, was shotguns in the front of the seat of his car there, a model A Ford. He was going hunting on Franklin Street.

Mr. RICE. He carried shotguns on Franklin Street?

Mr. PEREZ. Yes.

Mr. RICE. Sawed-off shotguns?

Mr. PEREZ. I couldn't say they were sawed-off shotguns, no.

Mr. RICE. Long barrels?

Mr. PEREZ. They were regular shotguns.

Mr. RICE. Going back to Garcia, he is a lawyer, is he not?

Mr. PEREZ. So I understand.

Mr. RICE. What would be the reason for giving him money? These other people are officials of law enforcement of the city.

Mr. PEREZ. I didn't quite get you.

Mr. RICE. What would be the reason for Jimmy sending money to Garcia?

Mr. PEREZ. You got me.

Mr. RICE. What did he tell you?

Mr. PEREZ. He never told me. He never gave me any explanation.

Mr. RICE. What is your idea?

Mr. PEREZ. I don't know. I know Jimmy was partly responsible for him being on the racing commission.

Mr. RICE. Jimmy was partly responsible for him being on the racing commission?

Mr. PEREZ. That's what I heard Jimmy tell. In fact, I remember going to Tallahassee or some place up the State, trying to place Manny Garcia in some good office.

Mr. RICE. Why would he want to do that?

Mr. PEREZ. I don't know.

Mr. RICE. What did Jimmy care about the racing commission?

Mr. PEREZ. I don't know.

Mr. RICE. He didn't tell you that?

Mr. PEREZ. I never discussed those things with Jimmy. He told me this and this and this, and I just took it for granted that's what he wanted.

Mr. RICE. Where were you when Jimmy was killed?

Mr. PEREZ. In Mr. Morales' house.

Mr. RICE. In Mr. Morales' house?

Mr. PEREZ. That's right.

Mr. RICE. How did it happen that you were not with him?

Mr. PEREZ. That afternoon—in fact, it had been quite a few days that he wasn't going around steady with me. He would ride with me today and the next day he would ride with another guy.

Mr. RICE. Who was the other fellow?

Mr. PEREZ. Mario Lounders was one fellow that took him around, and another fellow—I don't know his name exactly. I know his alias. He goes by "Pepe Fernandez." This particular day they were over at Morales', I understand, having some pig feet. This fat boy that was on a moment ago, he cooked them. They ate them. I was invited to eat there, and my wife was invited too, but she wasn't feeling so well right at that time and she was placed on a diet, so she didn't want to eat that; and since I didn't want to appear there by myself and not carrying my wife along, when everybody else carried their wives, I decided to stay away from the dinner; but later in the afternoon I went there as a visitor. I was there at the time Jimmy got there, and then his wife come in. I understand she was in a movie somewhere. Jimmy told me, he says, "Oscar, don't leave, because I want you to drive me to the

Old Fort." I said, "O. K." When his wife come in she says, "No, Jimmy. Let's go on home early." So he told me in Frank Morales', he said, "You get this envelope and take it over to the Old Fort." Who it was for I don't remember, but the fact was that Jimmy left the house, going toward his own home, with his wife and daughter, and he was shot and killed downstairs from this fellow's home.

MR. RICE. Do you have any idea who did the shooting?

MR. PEREZ. In my own mind I have no question who done it, but I can't accuse anyone.

MR. RICE. One man?

MR. PEREZ. Yes, sir.

MR. RICE. Who is that man?

MR. PEREZ. The man who was accused of doing the job.

MR. RICE. Provenzano?

MR. PEREZ. That's right.

MR. RICE. I'll show you a photograph of a run-down sheet and ask you if you recognize that?

MR. PEREZ. Do you mind me putting my glasses on?

MR. RICE. Go right ahead. Does that look familiar to you?

MR. PEREZ. Yes, sir.

MR. RICE. What is it?

MR. PEREZ. This is the in-and-outs of the bolita business from Jimmy Velasco.

MR. RICE. Why do you say that?

MR. PEREZ. Because I have seen it many a time.

MR. RICE. Do you recognize the names on there?

MR. PEREZ. Yes.

MR. RICE. Who are some of them?

MR. PEREZ. Amilio, Charlie, Albany, A. B.—I can't understand the other one.

MR. RICE. You know all those people, then?

MR. PEREZ. Yes.

MR. RICE. Take a look at some of these and tell if you know what they are.

MR. PEREZ. These lists right here, particularly, I will explain those. These are the names of the individuals that were registered and those men who were responsible for registering that party. This is the man, here. This fellow got credit for bringing this fellow in for the election. In other words, these lists were all pertaining to the election.

MR. RICE. You mean votes?

MR. PEREZ. That's right; and if you go through there you may find some of my own.

MR. RICE. Did Jimmy have something to do with this?

MR. PEREZ. I don't know whether he typed them personally.

MR. RICE. But this was part of his job; he was out getting votes? Is that right?

MR. PEREZ. Oh, yes.

MR. RICE. How about this one?

MR. PEREZ. This was a list—this was a list of some of the parties, some of the boys of Lit Velasco, Jimmy Velasco's brother.

MR. RICE. Gamblers or voters?

MR. PEREZ. Voters.

MR. RICE. Or both?

Mr. PEREZ. No; just voters, according to this. There might be some gamblers in there, as far as I know.

Mr. RICE. How about this one?

Mr. PEREZ. I have never seen this before.

Mr. RICE. Does that mean anything to you?

Mr. PEREZ. It has got Gus and Primo here. I guess that pertains to their business.

Mr. RICE. It is a list of Gus' and Primo's. What does Gus and Primo mean to you?

Mr. PEREZ. Gus is the alias for Augustine Friscia.

Mr. RICE. And what does Primo mean?

Mr. PEREZ. Primo is the alias for Augustine, alias Primo.

Mr. RICE. What is this place here, this address, The Yellow House?

Mr. PEREZ. The Yellow House is a place located on the corner of Sixteenth Street and Eleventh Avenue owned and controlled by Primo Lazzaro.

Mr. RICE. What sort of a place is it?

Mr. PEREZ. A liquor place.

Mr. RICE. Does any gambling take place there?

Mr. PEREZ. At one time, next door to it.

Mr. RICE. How about the Royal Smoke Shop?

Mr. PEREZ. The Royal Smoke Shop, I don't know. I think it is a place located on Fortune Street, almost catty-cornered to the International Bank.

Mr. RICE. Does this mean anything to you?

Mr. PEREZ. Yes; these bills. Altameda Poultry Market, the man that owns this was a special friend of Jimmy Velasco and Jimmy Velasco done him a great many favors by selling poultry from his market. At one time he sold quite a few turkeys, in fact, he had, I guess, 1,500 or 2,000 turkeys there, and Jimmie Velasco, through his contacts, sold them for him.

Mr. RICE. These are these bills from the poultry market?

Mr. PEREZ. Yes, sir; these are the bills from the poultry market.

Mr. RICE. That Jimmy paid?

Mr. PEREZ. Yes, sir; that is right.

Mr. RICE. Here is a sheet entitled "Expenses" and obviously it refers to the elections. Does this seem to be familiar to you as expenses incurred by Jimmie in connection with an election?

Mr. PEREZ. No. It is a compilation of Jimmy Velasco's list, but I don't know for what particular period of elections. Paid out and so on, because he had boys working for him and he contracted them for a certain amount of money per week or per month, and he always paid them back.

Mr. RICE. Who did he back in the last campaign for sheriff?

Mr. PEREZ. He supported Billy Myers in the first primary. In the second primary, he was forced to go with Sheriff Culbreath.

Mr. RICE. He was forced to go with him?

Mr. PEREZ. Yes, sir.

Mr. RICE. What do you mean by that?

Mr. PEREZ. The morning of the election we were working the election out of the Old Fort, and there was two deputies, I think, sent down there to watch Jimmy Velasco, that he wouldn't give them a double cross. The night before Gus Friscia made an appearance there

and told Jimmy Velasco he was going to sleep with him, and Jimmy told him, he says, you are not a woman.

Mr. RICE. Wait a minute. What is this?

Mr. PEREZ. The night before the election Gus Friscia went to the Old Fort and told Jimmy, he says, you have got to go and sleep with me at a hotel and Jimmy told him, I am not accustomed to sleeping with men, you are not a woman, so I am going home to my wife to sleep.

Mr. RICE. Why did he do that?

Mr. PEREZ. Because he wanted to see that Jimmy was going straight during the night.

Mr. RICE. What could he do during the night if he watched him?

Mr. PEREZ. I guess he was watching that Jimmy would not make contact with somebody else.

Mr. RICE. That he would not swing any votes in the wrong direction, is that the idea?

Mr. PEREZ. I imagine so.

Senator HUNT. I have in my hand various photostatic copies of expense accounts and miscellaneous information, which will be retained by the committee as available for the record at a later date, if the committee desires to make them an exhibit for the record.

Mr. RICE. One more question. Going back to Provenzano and Italiano. I think you testified that Provenzano usually went armed.

Mr. PEREZ. Armed, as far as hunting paraphernalia was concerned.

Mr. RICE. How close did he go to Italiano; did he drive him around or act as a bodyguard?

Mr. PEREZ. I couldn't say he drove him around, or I couldn't say that he acted as his bodyguard.

Mr. RICE. Have you seen them driving together?

Mr. PEREZ. No, sir. I have seen him following him.

Mr. RICE. You have seen him following Italiano?

Mr. PEREZ. His car; yes, sir. Italiano would be driving his car and somewhere behind would be this little model A truck with a cage in the back built as though to hold dogs.

Mr. RICE. That was Provenzano's truck?

Mr. PEREZ. Yes, sir.

Mr. RICE. And Provenzano was driving it?

Mr. PEREZ. Yes, sir.

Mr. RICE. Did you see that numerous times?

Mr. PEREZ. Numerous times.

Mr. RICE. Very many times. I think that is all.

(Witness excused.)

Senator HUNT. The chairman will take this opportunity to announce for the press that Tony Accardo will appear before this committee in Washington next Friday, January 5.

Is Jesse Henry Dugan, Jr., in the room?

TESTIMONY OF JESSE HENRY DUGAN, JR., TAMPA, FLA.

Senator HUNT. Do you solemnly swear that the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DUGAN. I do.

Mr. RICE. Please state your name and address for the record.

Mr. DUGAN. Jesse Henry Dugan, Jr., 1910 Tampa Street.

Mr. RICE. How long have you lived in Tampa, Mr. Dugan?

Mr. DUGAN. Since I was 3 years old.

Mr. RICE. And what do you do for a living, Mr. Dugan?

Mr. DUGAN. I work for the United States Plywood.

Mr. RICE. What did you do before that?

Mr. DUGAN. I used to work for Wellswood, Inc., before that.

Mr. RICE. What before that?

Mr. DUGAN. I was a deputy sheriff for Hugh Culbreath.

Mr. RICE. You were a deputy sheriff for Hugh Culbreath?

Mr. DUGAN. Yes, sir.

Mr. RICE. How long?

Mr. DUGAN. For 2 years.

Mr. RICE. What years were they?

Mr. DUGAN. 1946 to 1948.

Mr. RICE. How did it happen that you left the job of deputy?

Mr. DUGAN. I resigned.

Mr. RICE. You resigned to go with—

Mr. DUGAN. There was several of us resigned at the same time.

Mr. RICE. What was the reason for your resignation?

Mr. DUGAN. A protest.

Mr. RICE. A protest of what?

Mr. DUGAN. Various conditions that existed at that time.

Mr. RICE. Tell us a little bit about some of those conditions, the protection and the instructions you had with respect to making arrests and not making arrests and acquaint us with what happened.

Mr. DUGAN. We were instructed by Chief Criminal Deputy Neil Keen, not to make any gambling or any vice arrests.

Mr. RICE. What did he tell you was the reason for that?

Mr. DUGAN. He claimed that he had received the instructions from the sheriff, himself.

Mr. RICE. And what was the reason the instruction was given?

Mr. DUGAN. There was no reason given.

Mr. RICE. He just told you not to make any arrests?

Mr. DUGAN. That is right.

Mr. RICE. Did any occasion ever happen when you saw vice activity or gambling taking place and you wanted to make an arrest and you were stopped?

Mr. DUGAN. Yes, sir; I witnessed gambling at South Howard Drive-In on several occasions and it was reported to Neil Keen and also to some people of the vice squad, and those reports were given over the radio so they would be lost. I made those reports over the radio so they would be lost in case anything ever came up.

Mr. RICE. What happened to that?

Mr. DUGAN. Nothing.

Mr. RICE. Nothing. Now then, was one of the Trafficante boys arrested by a deputy?

Mr. DUGAN. There was a deputy—I was told his name was Trafficante—who was arrested by Ted Glover.

Mr. RICE. What happened?

Mr. DUGAN. Ted Glover was called in and highly reprimanded for making the arrest.

Mr. RICE. Did Glover tell you that?

Mr. DUGAN. Yes, sir.

Mr. RICE. And he was a deputy?

Mr. DUGAN. Yes.

Mr. RICE. And who reprimanded him?

Mr. DUGAN. Sheriff Culbreath.

Mr. RICE. For making the arrest of a Trafficante?

Mr. DUGAN. Yes.

Mr. RICE. Why?

Mr. DUGAN. Personal friends.

Mr. RICE. Trafficante was a personal friend of Culbreath and not to be touched?

Mr. DUGAN. That is what I was told by Ted Glover.

Mr. RICE. Tell us what you know of Briggs & Co.

Mr. DUGAN. Well, Briggs & Co. was run by the Sheriff's brother Rookie and Leslie Cathcart. Rookie is almost blind and Leslie acts more as his eyes. I suppose you might say it is an organization just as a pastime for Rookie.

Mr. RICE. All right. What do they do in connection with Briggs & Co.? Do they take any bets?

Mr. DUGAN. They would take bets.

Mr. RICE. How did they operate that?

Mr. DUGAN. Anyone around there that wanted to place a bet on maybe a dog track or horse track or maybe a ball game, or something like that, they would accept the bet.

Mr. RICE. Now, where did this activity take place? In the jail?

Mr. DUGAN. It was in the sheriff's office, of the county jail.

Mr. RICE. And these two men are deputies?

Mr. DUGAN. I don't believe Leslie Cathcart is a deputy.

Mr. RICE. What was his capacity?

Mr. DUGAN. He is a dispatcher.

Mr. RICE. Dispatcher?

Mr. DUGAN. Yes, sir.

Mr. RICE. Now, the situation is right in the sheriff's office itself?

Mr. DUGAN. Yes.

Mr. RICE. And someone would come in and place a bet with them?

Mr. DUGAN. Those that hung around there.

Mr. RICE. Those that hung around would place bets. Did you ever place a bet with them?

Mr. DUGAN. I may have. I don't recall.

Mr. RICE. It's possible that you did?

Mr. DUGAN. Yes.

Mr. RICE. Dogs?

Mr. DUGAN. No, sir, I never bet on dogs. Just a game—a ball game or something like that.

Mr. RICE. Would they give odds?

Mr. DUGAN. Yes, sir, on certain things, they would give odds.

Mr. RICE. Did they accept bolita bets?

Mr. DUGAN. No, I have never known one of them to accept a bolita bet.

Mr. RICE. A dog bet?

Mr. DUGAN. I don't believe so. I believe they would on horses.

Mr. RICE. They would on horses?

Mr. DUGAN. When Sunshine Park was operating.

Mr. RICE. Was there any telephone activity? Would they just telephone action?

Mr. DUGAN. I have heard a few calls come in for them.

Mr. RICE. Were you there?

Mr. DUGAN. Yes.

Mr. RICE. What would the conservation be like?

Mr. DUGAN. Someone would maybe call in and ask to speak to Rookie.

Mr. RICE. Yes.

Mr. DUGAN. And ask, "What odds would you give me?" Or maybe a certain horse.

Mr. RICE. On a horse.

Mr. DUGAN. Or possibly a ball game, football or baseball game.

Mr. RICE. What would Rookie say?

Mr. DUGAN. Sometimes he would give him 1 to 2 odds. I don't know too much about that.

Mr. RICE. Did he pay track odds?

Mr. DUGAN. No, sir.

Mr. RICE. He would set his own odds?

Mr. DUGAN. Yes, sir.

Mr. RICE. And then what would the other man say?

Mr. DUGAN. I didn't understand that.

Mr. RICE. Did he make a note of what was done?

Mr. DUGAN. Rookie would generally tell Leslie what to do.

Mr. RICE. How did they settle up the telephone bets?

Mr. DUGAN. That's something I wouldn't know.

Mr. RICE. Did Rookie go out to meet these people or did they come in to settle up?

Mr. DUGAN. They would probably come in. People were coming in all the time.

Mr. RICE. Did you see them from time to time come in there?

Mr. DUGAN. They were coming in; yes, sir.

Mr. RICE. Do you remember any of the customers that made bets with Rookie?

Mr. DUGAN. No.

Mr. RICE. Now, tell us what you know about the South Howard Drive-In, the Yellow House?

Mr. DUGAN. Well, the Yellow House was just known to be a gambling joint. Selling bolita and stuff like that. The South Howard Drive-In—

Mr. RICE. Did the Yellow House have any table games or card games?

Mr. DUGAN. No, sir; not that part.

Mr. RICE. Bolita and what?

Mr. DUGAN. Bolita and Cuba.

Mr. RICE. Were you ever in there?

Mr. DUGAN. Just going in—stopping by.

Mr. RICE. While you were a deputy?

Mr. DUGAN. Yes.

Mr. RICE. Did you see that taking place?

Mr. DUGAN. No, sir. That is just general knowledge.

Mr. RICE. What about the South Howard Drive-In?

Mr. DUGAN. Well, the South Howard Drive-In. When I was assigned to the Palma Ceia district at night, my partner at the time, and I—George Angleman we noticed through the rear window a poker game going on, and we called the other car, which consisted

of Gordon Viola and Bill Prevatt, and we radioed and asked for Brooks, the chief of the vice squad, and we stood by and he didn't show up.

Mr. RICE. He didn't show up?

Mr. DUGAN. No, sir.

Mr. RICE. What happened?

Mr. DUGAN. He never gave us any reason. We got a call and had to leave. The following night, the same place, the same thing took place. He came over and talked to them a few minutes and said, "Well, I fixed it up," and left, and it kept right on and we reported several times on the radio and nothing ever happened about it. They did put up venetian blinds so you couldn't see in there very well.

Mr. RICE. They put up venetian blinds?

Mr. DUGAN. Yes, sir.

Mr. RICE. And kept it closed?

Mr. DUGAN. Yes.

Mr. RICE. Now, what, if any, instructions did you have with reference to places which might operate after hours?

Mr. DUGAN. We were not to make any arrests for places operating after hours.

Mr. RICE. Who told you that?

Mr. DUGAN. Neil Keen.

Mr. RICE. He told you that. Did he again tell you that he had instructions from someone else?

Mr. DUGAN. Yes.

Mr. RICE. Who was that?

Mr. DUGAN. The sheriff.

Mr. RICE. What was the reason for it?

Mr. DUGAN. That was left entirely to the vice squad.

Mr. RICE. He told you to leave them alone?

Mr. DUGAN. Yes, sir.

Mr. RICE. But even if you stumbled upon a place that was operating after hours?

Mr. DUGAN. We were to report it to the vice squad.

Mr. RICE. What were some of the places that you knew to be operating after hours during that period?

Mr. DUGAN. The Chatterbox.

Mr. RICE. The Chatterbox?

Mr. DUGAN. Yes; and Larry Ford's.

Mr. RICE. What is the name of Larry Ford's?

Mr. DUGAN. Larry Ford's Supper Club.

Mr. RICE. Larry Ford's Supper Club. Anything else?

Mr. DUGAN. And the Frolic.

Mr. RICE. Whose place is that? Ficarrotta's? And any others?

Mr. DUGAN. The Llamas Club.

Mr. RICE. How about the Chateau?

Mr. DUGAN. Yes; the Chateau.

Mr. RICE. Whose place was the Chateau?

Mr. DUGAN. That was Frank Lumia's, I believe.

Mr. RICE. Do you know the name of the Chateau now? It was Frank Lumia?

Mr. DUGAN. Yes.

Mr. RICE. Do you know the name of the Chateau now?

Mr. DUGAN. Club 22.

Mr. RICE. Do you know where it is?

Mr. DUGAN. Yes.

Mr. RICE. You have been away for some time?

Mr. DUGAN. Yes.

Mr. RICE. You still know that?

Mr. DUGAN. Yes.

Mr. RICE. We had a witness here recently who didn't know where that was, and he was here all the time.

Mr. DUGAN. Yes.

Mr. RICE. Now, then, while you were around the sheriff's office, in the criminal division, tell us some of the underworld characters who would come in and visit with the sheriff.

Mr. DUGAN. Well, at various times, the few that I know personally—I have seen Red Italiano come in.

Mr. RICE. You have seen Red Italiano come in?

Mr. DUGAN. Yes.

Mr. RICE. In the inner office?

Mr. DUGAN. He went back in the back office, which was Neil Keen's office. And others who would come in would be pointed out to me by other deputies. Jimmy Velasco was pointed out to me and Primo Lazzara.

Mr. RICE. Velasco came in?

Mr. DUGAN. Yes.

Mr. RICE. Who else came in?

Mr. DUGAN. Well, there were several of them, but most of them were just pointed out to me by other deputies.

Mr. RICE. But who was pointed out to you by other deputies?

Mr. DUGAN. Primo Lazzara.

Mr. RICE. Lazzara? Who else?

Mr. DUGAN. Jimmy Velasco.

Mr. RICE. Anyone else? How about Friscia?

Mr. DUGAN. No sir.

Mr. RICE. Anyone else? Angel Daniels?

Mr. DUGAN. I wouldn't know him.

Mr. RICE. Trafficante?

Mr. DUGAN. No sir.

Mr. RICE. What do you know about the Mafia?

Mr. DUGAN. Nothing.

Mr. RICE. Had you ever heard of it?

Mr. DUGAN. I had heard of it.

Mr. RICE. Do you believe that there is such a thing, from your experience as a police officer?

Mr. DUGAN. From reading the newspapers, I would say there is?

Mr. RICE. From your experience as a policeman?

Mr. DUGAN. The Mafia?

Mr. RICE. Yes.

Mr. DUGAN. No sir.

Mr. RICE. Who do you think is responsible? Have you seen the chart here of these killings here in Tampa in the last few years with no arrests?

Mr. DUGAN. Yes.

Mr. RICE. Do you have any idea who is responsible for that, whether that is local men or out of State men?

Mr. DUGAN. I would say it would be a syndicate.

Mr. RICE. You would say it would be a syndicate?

Mr. DUGAN. Yes; a syndicate operating here in Tampa.

Mr. RICE. Right here in Tampa?

Mr. DUGAN. Yes.

Mr. RICE. Do you have any idea that they might import the killer from out of the State?

Mr. DUGAN. It is possible.

Mr. RICE. Do you have any information on that?

Mr. DUGAN. No, sir.

Mr. RICE. During your various investigations as a deputy sheriff, did you ever have occasion to discuss these killings with local people, citizens?

Mr. DUGAN. Yes, sir. I never investigated a murder in my life. I wouldn't know.

Mr. RICE. But while you were a deputy sheriff, you talked to various citizens about these murders, didn't you?

Mr. DUGAN. Yes, sir; it would be discussed.

Mr. RICE. Did you get any information about whether the people were afraid to talk, whether there was a fear among the citizens?

Mr. DUGAN. Yes; people are afraid to talk.

Mr. RICE. Why is that?

Mr. DUGAN. Retaliation.

Mr. RICE. Retaliation?

Mr. DUGAN. Yes.

Mr. RICE. By the perpetrators of the crimes and their associates?

Mr. DUGAN. I would say by the associates of the perpetrators of the crimes.

Mr. RICE. Would you say it was a fair statement that you had an impression that the protection afforded by local law enforcement wasn't adequate to overcome that fear?

Mr. DUGAN. Yes, sir; I suppose that might be it.

Senator HUNT. Is Luis Sardegna in the room?

Mr. RICE. Luis Sardegna is under subpoena and has not been excused.

Senator HUNT. Mr. Marshal, this witness is under subpoena, which has not been listed. Will you make what effort you can to ascertain whether or not he is in the hall or whether he is in the courtroom?

Mr. RICE. Will you ascertain if Sheriff Culbreath has returned?

The MARSHAL. He has not returned.

Senator HUNT. The hearing will stand in recess approximately 5 minutes.

Senator HUNT. Will Judge Tillman be kind enough again to take the witness stand, please?

FURTHER TESTIMONY OF HON. HENRY C. TILLMAN, JUDGE, CIRCUIT COURT, HILLSBOROUGH COUNTY, FLA.

Senator HUNT. Judge Tillman, I am just about to make a closing statement. It may be that the sheriff will be questioned briefly following the statement and following any comments that you may care to make following the statement that I am going to read.

Before closing the hearings of our committee here in Tampa, I want to acknowledge our gratitude to Judge Barker for the use of this court room. I also want to thank Mr. Crumbley, the marshal, and I want to thank his deputy, Mr. Price, for their continued help to our staff

and during the hearings, in working this hearing up to the time of the starting of our evidence. I want to also thank Mr. Williams, who is custodian of the building, for his very kind assistance in more than one way.

Now, I wish also to add our appreciation for the assistance given our staff by Mr. Daniel P. Sullivan, executive director of the Crime Commission of greater Miami, who has spent considerable time and energy in cooperating with the committee staff in the preparation of this hearing.

I also want to thank the members of the press and the radio. Many of them have come from great distances. I want to thank them not just for their cooperation in this hearing, but for their continuing cooperation in publicizing these hearings, wherever they have been held. Lawmaking bodies can pass legislation intended to make it difficult, if not impossible, for criminals to operate, but the enforcement of such laws will depend upon an angry, an aroused, and a determined public. By disseminating as widely as possible the facts developed at these hearings, we believe that the press and the radio are performing a most commendable public service, one that goes hand in hand with the purpose behind the work of this committee, which is to curb the menace of crime.

I want to say this, too: Our thanks go out to the citizens of Tampa for their hospitality.

May I say, in passing, that, believe me, this is not a pleasant job. It is disillusioning; it is disheartening to come into a great American city like Tampa and to hear unfolded a story of corruption of law enforcement such as we have heard yesterday and today in this room.

I think I should mention—and I did last evening—that I was particularly impressed with the testimony of Lieutenant Marvin, certainly a high-type officer, who, according to his testimony, was fired from the police force because he would not protect certain racketeers and was directed to go easy on them. For only by lifting the lid and letting some light and air into this seamy and this sordid mess will the situation ever be corrected. It is painful, too, I want you to know, to realize that these things would probably go on without any corrective action unless some outside group came here with enough authority and, perhaps, energy, to tear away the curtain, if we have lifted it only slightly. However, the citizens of Tampa should now have some inkling if only a slight one, of what goes on in the underworld, and perhaps, maybe, I should say in the upper world of this city.

We shall, of course, make adequate reference to the situation in our report to the Senate, but, in the last analysis, correction of the situation must start right here at home. Towards that end, the committee will make available to a properly constituted local investigative body all of our files containing our investigative reports and a good bit of information which we have, which time yesterday and today would not permit us to bring forward in this hearing. We have under subpoena a number of witnesses who cannot be heard at this time. The subpoenas will not be lifted; they will continue in effect, and it is possible that those witnesses may be called to testify at some other point, other than Tampa.

Now, I cannot adjourn these hearings without expressing the committee's appreciation to those citizens of Tampa who have assisted the staff in its difficult task. I want especially to mention in this list the

officers and committee members of the Tampa Junior Chamber of Commerce and Mr. P. Joseph Rodrigues, if I have the pronounciation correct, and say to you all that the members of the Junior Chamber of Commerce have been most helpful.

I am going to let the record also show our deep appreciation of the valuable contributions made by Miss Mary Ellen Sharpe and Miss Bryan Crowder, both residents of Tampa, who have worked exceedingly hard at our staff headquarters. I would like for both of these ladies to know that we are grateful for the long hours they have put in, and that they have aided materially in a worthwhile cause.

Finally, I should like to say—and I am sure you will agree with me—that the chairman of this committee is very grateful for the efficient and fine manner in which the committee staff has handled this hearing and have gotten the evidence together. I think, considering the fact that the time was short, the fact that they have been very busy in other cities up until just recently, and have not had the proper time to prepare all of the witnesses or all of the material, that they have done, certainly, a most satisfactory and complete job.

Now, Judge Tillman was kind enough to appear before the committee at the start of our hearings. In view of the statement that I have just made, in view of what you have heard over the radio, in view of, perhaps, some testimony you have heard this afternoon here in the courtroom, as a member of the court, and a member in whom we have great confidence, I am wondering if you have any comments to make with reference to, if I may say it, where do we go from here?

Judge TILLMAN. Senator, all I can tell you is that I understand that you are going to turn what you have over to the proper body and, as I understand it, it will come through some officer of the court. If it is turned over to me as an officer of the court, I assure you that it will go to the grand jury and that I will recharge the grand jury, as I have already charged them, that one of their greatest duties is to investigate the conduct of their officials. Now, where it goes from there will depend on the grand juries.

Senator HUNT. Judge, may I ask a question: Will it be within the purport of your judicial duties to request the Governor to appoint a special investigator to handle the matters that we have developed?

Judge TILLMAN. Now, I haven't heard the testimony, but if that testimony shows that our duly elected officials are involved, I most assuredly would ask the Governor to appoint a special State's attorney to come in here and take charge of this situation. I would outline to him what I am doing it on.

Senator HUNT. For certain reasons, Judge, which I am sure you will understand, some evidence that we have was not disclosed at this public hearing. It will be made available to the law-enforcement officers, including yourself, when we transmit to you the written record.

And again, Judge, thanks for your kind cooperation. We appreciate it.

(Judge Tillman left the witness stand.)

Senator HUNT. One additional statement: We have received telephonic reports from our staff that they find in the sheriff's safe, at his home, \$1,805 in cash.

In closing, too, I should like it publicly known that a transcript of all the testimony taken by this committee yesterday and today will be forwarded to the Governor of the State of Florida.

This, then, brings to an adjournment the meeting of the Special Senate Crime Investigating Committee of the United States Senate.

(Whereupon, at 4:25 p. m., Saturday, December 30, 1950, the hearing was adjourned.)

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE COMMERCE

FRIDAY, FEBRUARY 16, 1951

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE,
Washington, D. C.

The committee met, pursuant to call of the chairman, at 10:05 a. m., in room 104-B, Senate Office Building, Senator Charles W. Tobey presiding.

Present: Senators Kefauver (chairman), Hunt, and Tobey.

Also present: Downey Rice, George S. Robinson, and John L. Burling, associate counsel; and Joseph L. Nellis, assistant counsel.

Senator TOBEY. The committee will come to order.

(The testimony of John W. Brookfield, trial attorney, Federal Trade Commission; Charles P. O'Neil, Chicago, Ill.; and Leo Lichtenstein, president and treasurer, Harlich Corp., Chicago, Ill., which was heard by the committee at this time, is included in pt. 12 of the hearings of the committee.)

The CHAIRMAN. I think I should also clarify one matter in connection with our Florida witnesses before we proceed with the next part of our hearing, and that is that when the committee, under the able acting chairmanship of Senator Hunt, was in Tampa, after the committee left Tampa, certain witnesses, including Mr. Farrior and Mr. Eddings, and, I believe, the present sheriff and, perhaps, the mayor, felt their names had been brought out in the hearing, and that they had not been called upon to testify, although they were there and, of course, Senator Hunt would have been glad to have had them testify; but, in any event, it is the intention always of this committee to give everyone an opportunity to be heard and to present their side in the matter very fully, and we want to give them full opportunity; so announcement was made immediately afterward that they would either be heard in Florida or in Washington or they could submit statements.

We have invited them to come to Washington to be here today. They have been subpoenaed, and they were notified to appear.

On the day before yesterday, when the chairman was in the hearing in New York, a message came from Mr. Farrior to the effect that he had some cases set for trial, and was very busily preparing a most important case for a hearing in Tallahassee on the 21st.

I directed that if he found it impossible to be here at that time, he could submit a statement; and that if any matters were brought up in the statement that we wanted to question any further about or any matters that were not fully covered, he should be available to

come up, if it was impossible either today or tomorrow, immediately after the 21st, and that coming up the day after the 21st, if he had these cases set for trial and was busily preparing another case, would be satisfactory for me.

There was some lack of clear liaison with the staff committee here in Washington, so that Mr. Farrior has submitted his statement which, however, requires that some matters not in the statement be gone into, and also some parts of the statement we will have to question him about then, so Mr. Farrior is unable to come tomorrow, which, I think is because of the case, because of the commitment that I made, he will be asked to come up the day after the 21st, on the 22d.

Any inference in the press that he was trying to avoid coming up is not correct, because what happened was on my responsibility and not because of any obstinacy on his part about coming.

I regret, perhaps, that both he and the sheriff will not be here, although we have not heard from the sheriff. We understood that he was sick, but he may be here tomorrow. But all of the witnesses in Tampa who did not have an opportunity—I mean who feel that they were not fully heard down there—will have a chance to come up here and be heard.

Is there any matter that you, Mr. Rice, wanted to clear up in connection with Tampa, with Mr. Farrior and others?

MR. RICE. No.

(Discussion off the record.)

The CHAIRMAN. After communicating with Mr. Farrior this afternoon, or getting in touch with him, if he cannot be here tomorrow, why, it is likely that we will ask the sheriff and any other witnesses in Tampa to come up at the same time all on the same day, which will be the 22d.

Mr. Bowers, will you stand, please?

Do you solemnly swear that the testimony you will give this committee will be the whole truth, so help you God?

MR. BOWERS. I do.

The CHAIRMAN. Mr. Bowers, you have handed the chairman a letter from E. T. Fitzpatrick of Miami Beach, Fla., a long letter, which says you have been suffering from amoebic dysentery and other—

TESTIMONY OF GEORGE L. BOWERS, MIAMI, FLA.

MR. BOWERS. Right.

The CHAIRMAN. What is the purpose of this letter, Mr. Bowers?

MR. BOWERS. I wanted to show you where you once called me in Tampa and I tried to get in touch with you people over there, and I wanted to show you that I was not dodging you.

The CHAIRMAN. Were you in the hospital at the time we were—

MR. BOWERS. Well, I was in the hospital, I think—I left the hospital on the Thursday or Friday, I am not sure which, and I tried to get in touch with you people at the hotel in Tampa, and you people weren't there; they said you weren't there.

The CHAIRMAN. You were subpoenaed to come to Tampa; is that correct?

MR. BOWERS. That is right. And I was being treated at the time in the hospital, but I have been in bed practically ever since I got out of the hospital.

The CHAIRMAN. Well, you have a letter here from several doctors saying that you—

Mr. BOWERS. That is right.

The CHAIRMAN. You have a letter here from Dr. Louis Chodoff.

Mr. BOWERS. Chodoff.

The CHAIRMAN. 705 Pine Street, Philadelphia.

Mr. BOWERS. He treated me for deposits of the lung. I was caught in a fire in New York City in the Shelton Hotel.

The CHAIRMAN. That is dated November 29, 1950.

Mr. BOWERS. That is right.

The CHAIRMAN. And then a letter from a Dr. Edward Dessen in Philadelphia.

Mr. BOWERS. Davitz, you mean. Oh, that is something—it showed the X-rays, what was wrong in the X-rays.

The CHAIRMAN. You also handed the chairman a notice that you have been indicted November 6, 1950.

Mr. BOWERS. In Miami.

The CHAIRMAN. In Dade County, Fla., for operating a gambling house; is that correct?

Mr. BOWERS. Well, that is what this says there; I don't plead guilty to that.

The CHAIRMAN. That case is now pending; the matter is now pending?

Mr. BOWERS. That is right.

The CHAIRMAN. All right.

(Discussion off the record.)

The CHAIRMAN. Mr. Rice, will you question Mr. Bowers?

Mr. RICE. Where are you living now, Mr. Bowers?

Mr. BOWERS. 1000 North Venetian Way, Miami.

Mr. RICE. Were you living at that address in July of this year?

Mr. BOWERS. Right.

Mr. RICE. Now, then, in July of this year, Mr. Bowers, a deputy marshal made an attempt to serve you with a committee subpoena at that address, and was unable to find you.

The CHAIRMAN. July of last year.

Mr. RICE. July of 1950? Where were you?

Mr. BOWERS. I was in and out of Miami. I mean I stayed at my house when I was in Miami, and when I was not in Miami I stayed in the Waldorf-Astoria in New York City.

Mr. RICE. Can you account for someone there telling the deputy marshal that you were at the Mayo Clinic?

Mr. BOWERS. Well, there was a note on my—nobody told the deputy marshal. There was a note left on my door, which I had left, the first time I went away, stating I was on the way, but it happened I could not get there, on account of one thing was I was in a taxicab accident, and then I saw you in Philadelphia, and then I was in that fire in New York, and I have been in bed practically ever since.

Mr. RICE. So that you never did get to Mayo despite the fact that you—

Mr. BOWERS. Not yet, but I am on the way.

Mr. RICE. Then, subsequently you were served with a subpoena in Philadelphia, at which time we had a conversation?

Mr. BOWERS. That is right.

Mr. RICE. And then you were notified on or about December 18 to appear in Tampa on the 29th of December 1950. What happened then?

Mr. BOWERS. Well, I was in the hospital then, and then when I got out of the hospital—

Mr. RICE. You were in the hospital then?

Mr. BOWERS. When you people got to Tampa.

Mr. RICE. I am afraid not, sir. We notified you on the 18th; according to our records you went to the hospital on the 25th of December.

Mr. BOWERS. Well, I did not get the notice; I was supposed to appear on the 18th.

Mr. RICE. You were supposed to appear on the 29th.

Mr. BOWERS. The 29th or the 25th.

Mr. RICE. The 29th. You went to the hospital on the 25th.

Mr. BOWERS. Well, I went out of the hospital the day before I was supposed to appear, that is, the day Senator Hunt called my name, I read that in the paper. I was out of the hospital, but in my home in bed under the same doctor's care.

Mr. RICE. Yes.

So that after you got the notice and before you appeared, you went into the hospital and came out before the hearing; did you not?

Mr. BOWERS. Well, the doctor made me go to the hospital; I didn't have anything to do with it. I had a high temperature.

Mr. RICE. What doctor was it that made you go?

Mr. BOWERS. Dr. Fitzpatrick.

Mr. RICE. What is his name?

Mr. BOWERS. Fitzpatrick, 541 Lincoln Road.

Mr. RICE. Where is he located? Are you sure of that?

Mr. BOWERS. He has got a letter right there.

Mr. RICE. Now, then, where were you born?

Mr. BOWERS. Nashville, Tenn.

Mr. RICE. What year?

Mr. BOWERS. 1904.

Mr. RICE. How long did you live in Tennessee?

Mr. BOWERS. Well, I lived in Tennessee practically up until I had been to Florida for the first time. I left for Florida in 1926.

Mr. RICE. Yes, but you went to Chicago before that, did you not?

Mr. BOWERS. No, positively not.

Mr. RICE. You went to Florida the first time when?

Mr. BOWERS. 1926.

Mr. RICE. I see.

Then, did you go to Chicago after that?

Mr. BOWERS. I was in Chicago, yes, sir, after that several times.

Mr. RICE. When did you first go to Chicago?

Mr. BOWERS. I think my first trip to Chicago was in 1927.

Mr. RICE. 1927?

Mr. BOWERS. Right.

Mr. RICE. What business did you engage in in Chicago?

Mr. BOWERS. Mr. Rice, I am indicted in Miami now on account of gambling, and I stand on my constitutional rights. I won't answer any questions that will tend to incriminate myself.

Mr. RICE. Sir?

The CHAIRMAN. The question was what business did you engage in in Chicago?

Mr. BOWERS. Well, that is the reason I refuse to answer that question, Your Honor.

The CHAIRMAN. Well, the Chair directs you to answer that.

Mr. BOWERS. Sir?

The CHAIRMAN. I say I direct you to answer that question.

Mr. BOWERS. I can't answer that question.

The CHAIRMAN. You refuse to answer it?

Mr. BOWERS. Yes, sir; I stand on my constitutional rights.

Mr. RICE. Now, then, sir, this offense that you have in mind, is that a State offense or is that a Federal offense?

Mr. BOWERS. That is a State offense. There is no Federal laws against gambling that I know of.

Mr. RICE. I see. So that you are claiming a privilege on a State offense, is that correct?

Mr. BOWERS. Yes, sir; that will tend to incriminate me down there in the case.

Mr. RICE. Now, sir, what connection would what you were doing in 1927 in Chicago have, or what connection is there with the matter that you are now under indictment for? Is there any connection between those two things?

Mr. BOWERS. I refuse to answer that question. I stand on my constitutional rights.

Mr. RICE. Have you ever heard of the statute of limitations?

Mr. BOWERS. I never did. If you tell it to me, then it might clear some things.

Mr. RICE. All right, sir.

Were you ever arrested in Chicago?

Mr. BOWERS. I stated to you once I was for a nonpayment of alimony

Mr. RICE. When was that?

Mr. BOWERS. That was in the early thirties, but I have gone back to Nashville, back to Florida, and back to Chicago; in fact, I used to go to Chicago in the summertime and either back to Nashville or back to Florida in the wintertime.

Mr. RICE. All right. What were you doing in Florida?

Mr. BOWERS. Sir?

Mr. RICE. What were you doing in Florida, what business?

Mr. BOWERS. That reverts back to the same thing. I can't answer that.

Mr. RICE. You cannot tell what you were doing in 1930?

Mr. BOWERS. 1930? If you will explain that statute of limitations we might get this thing—I don't want to make myself in the State of Florida—

Mr. RICE. Suppose I tell you it was back during the time of prohibition. What were you doing during prohibition?

Mr. BOWERS. Oh, I had gotten out of—if you are trying to say the whisky business.

Mr. RICE. You had gone out of that?

Mr. BOWERS. Sir?

Mr. RICE. You say you had got out that business?

Mr. BOWERS. Yes.

Mr. RICE. When were you in the business?

Mr. BOWERS. In the early twenties.

Mr. RICE. In the early twenties?

Mr. BOWERS. Right.

Mr. RICE. Was that after prohibition?

Mr. BOWERS. It was after I got out of the Marine Corps—no, that was during prohibition.

Mr. RICE. Would you say you were in the whisky business during 1924?

Mr. BOWERS. Somewhere along there, I couldn't swear.

Mr. RICE. Was that a legal business?

Mr. BOWERS. No, sir; it was not legal. I never got convicted.

Mr. RICE. You never got convicted?

Mr. BOWERS. I was arrested.

Mr. RICE. How many times were you arrested in the whisky business?

Mr. BOWERS. It is hard to say.

Mr. RICE. About how many?

Mr. BOWERS. More times than you got fingers and toes.

Mr. RICE. Well, I have got 20 of those, I think.

Mr. BOWERS. Well, we will put on 20, then, I don't know. I have been arrested—they come in, search your place, and find no whisky, and they arrest you.

Mr. RICE. And you paid fines every time?

Mr. BOWERS. I have never been convicted of whisky.

Mr. RICE. You paid fines, but you never went to jail?

Mr. BOWERS. Yes, sir.

Mr. RICE. On this arrest in Chicago did you go to jail?

Mr. BOWERS. I went to jail on a warrant for nonpayment of alimony.

Mr. RICE. When were you arrested next after the Chicago time?

Mr. BOWERS. I was arrested in Miami during 1949 or the first of 1950, I don't know.

Mr. RICE. How about the arrest in Petoskey, Mich.?

The CHAIRMAN. 1949 was that, or 1939?

Mr. BOWERS. 1949.

The CHAIRMAN. For what?

Mr. BOWERS. I was arrested in the Little Palm Club, but I will stand on my constitutional rights, I won't answer that, why I was arrested.

Mr. RICE. I do not understand your constitutional rights on a matter that is a matter of public record.

Mr. BOWERS. Well, I was not found guilty. They come in and arrested me for running a gambling house, and there was nothing in there, and nobody was gambling.

Mr. RICE. How about the arrest in Petoskey, Mich.?

Mr. BOWERS. I was arrested there, and I forget the year, I think it was 1939.

Mr. RICE. Yes. What was that for?

Mr. BOWERS. Same thing.

Mr. RICE. What is that?

Mr. BOWERS. I wasn't even in the room, and I was arrested.

Mr. RICE. In what room?

Mr. BOWERS. Charged me with gambling.

Mr. RICE. What room?

Mr. BOWERS. In the clubroom.

Mr. RICE. What club?

Mr. BOWERS. I was in the restaurant.

Mr. RICE. What club?

Mr. BOWERS. Ramona Club.

Mr. RICE. Now, then, as a result of the arrest in the Ramona in Petoskey, Mich., what happened, did you pay a fine?

Mr. BOWERS. I paid a fine.

Mr. RICE. Did you do any time?

Mr. BOWERS. No; wasn't even guilty.

Mr. RICE. Did you stand trial or did you plead guilty?

Mr. BOWERS. Just walked up and got fined, didn't say anything.

Mr. RICE. You did not say anything?

Mr. BOWERS. Sir?

Mr. RICE. You did not say anything? You did not know about your constitutional rights at that time, did you?

Mr. BOWERS. That is right.

Mr. RICE. Would it be fair to say that throughout your life you have engaged in table gambling operations?

Mr. BOWERS. I refuse to answer that on the ground of my Constitution.

Mr. RICE. Would it be fair to say that up until 1940 you had engaged in, for the most part, table games?

Mr. BOWERS. I have had bars, restaurants, laundry—I just sold a laundry and dry-cleaning plant.

Mr. RICE. Prior to 1940, before 1940?

Mr. BOWERS. Well, I have worked around; I have jerked sodas. I did everything when I was a kid.

Mr. RICE. Yes. Now, between 1930 and 1940 did you jerk any sodas?

Mr. BOWERS. No.

Mr. RICE. What did you do between 1930 and 1940?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. Well, would it be fair to say that you engaged in gambling enterprises.

Mr. BOWERS. It would not be fair to me to convict myself in Florida by saying something up here.

Mr. RICE. You take the position that something you did in 1930 would convict you in Florida this year?

Mr. BOWERS. It might.

Mr. RICE. It might?

Mr. BOWERS. Yes, sir.

Mr. RICE. Now, sir, when did you become interested in the Little Palm Restaurant in Florida?

Mr. BOWERS. In 1942.

Mr. RICE. How did you become interested in that?

Mr. BOWERS. I bought in the property.

Mr. RICE. You bought into the property?

Mr. BOWERS. Yes, sir.

Mr. RICE. From whom did you buy it?

Mr. BOWERS. Arthur Childers.

Mr. RICE. Arthur Childers? Did you buy into it alone or did you have partners?

Mr. BOWERS. Well, my first payment was \$5,000. I paid them then in 1942. That was 10 percent of the property.

Mr. RICE. Ten percent of the property?

Mr. BOWERS. Right.

Mr. RICE. Are you talking about the land and building or——

Mr. BOWERS. Land, building.

Mr. RICE. And the game?

Mr. BOWERS. We didn't have no game.

Mr. RICE. No game in the Little Palm?

Mr. BOWERS. No, sir.

Mr. RICE. And you bought 10 percent then for \$5,000?

Mr. BOWERS. Right.

Mr. RICE. Is that correct? Where did you get the \$5,000?

Mr. BOWERS. I had earned it.

Mr. RICE. What doing?

Mr. BOWERS. Now, I paid income taxes on it. You got the papers; you can look at it.

Mr. RICE. My question is what did you earn the money doing?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. On what ground?

Mr. BOWERS. My Constitution won't let me answer it. I won't answer nothing that will indict me in the State of Florida.

Mr. RICE. What does the Constitution tell you?

Mr. BOWERS. It tells me I don't have to convict myself.

The CHAIRMAN. Mr. Bowers, you understand you are being directed to answer these questions.

Mr. BOWERS. Well, I still have to stand on my constitutional right.

The CHAIRMAN. All right.

Mr. RICE. All right. You had 10 percent of the Little Palm in 1942 for \$5,000, 10 percent. Who had the other 90 percent?

Mr. BOWERS. Arthur Childers had some and Dick Sharpe had some. How much they had, I don't know, but I have records that I did not bring with me of that transaction.

Mr. RICE. You do not know how much your partners had?

Mr. BOWERS. Sir?

Mr. RICE. You do not know how much your partners had?

Mr. BOWERS. Well, I am guessing now—I can't put it down to swear it.

Mr. RICE. Let us guess.

Mr. BOWERS. I think Childers had 70 percent and Dick Sharpe had 10.

Mr. RICE. Yes. Where are they now?

Mr. BOWERS. They are there.

Mr. RICE. They are still there at the Little Palm. Do you still have an interest in the Little Palm?

Mr. BOWERS. I still have an interest in the property alone. I have not been in the place for 2 years, because I just did not want to go in it.

Mr. RICE. I understand.

Mr. BOWERS. I still own part of the property.

Mr. RICE. What part do you own now?

Mr. BOWERS. I own 20 percent now.

Mr. RICE. Which part is that?

Mr. BOWERS. The building and land.

Mr. RICE. Twenty percent of the building?

Mr. BOWERS. The land.

Mr. RICE. The land and building?

Mr. BOWERS. Right.

Mr. RICE. How did you acquire the extra 10 percent?

Mr. BOWERS. I bought it in later years.

Mr. RICE. What is in there besides the land and building that you do not have an interest in?

Mr. BOWERS. There is a bar and restaurant.

Mr. RICE. You do not have an interest in the bar and restaurant?

Mr. BOWERS. Yes, I do.

Mr. RICE. Who has that?

Mr. BOWERS. I have 20 percent.

Mr. RICE. Of the bar and restaurant?

Mr. BOWERS. That is right.

Mr. RICE. What is it? You just said you had 20 percent of the land.

Mr. BOWERS. Well, the land and building, whatever goes on in there, naturally I am in with it, but—

Mr. RICE. Whatever goes on there you are in with it?

Mr. BOWERS. Sir!

Mr. RICE. Whatever goes on there you are in with it?

Mr. BOWERS. You are right.

Mr. RICE. All right. Have you ever heard of a man named Joe Stalins, Col. Joe Stalins?

Mr. BOWERS. Joe Stalins? I think I have met him.

Mr. RICE. Did you have any transactions with him?

Mr. BOWERS. Not that I can recall; no, sir.

Mr. RICE. What do you recall about him?

Mr. BOWERS. I don't recall anything about him, but he was a major or a colonel or something in the Army, and used to come in the Little Palm Club.

Mr. RICE. Used to come in there as a customer?

Mr. BOWERS. Right.

Mr. RICE. Did he have any interest in the Little Palm?

Mr. BOWERS. None whatever.

Mr. RICE. How about the Sunny Isles?

Mr. BOWERS. I could not swear to that.

Mr. RICE. Well, you have an interest in the Sunny Isles, don't you?

Mr. BOWERS. I refuse to answer on the ground it might incriminate myself.

Mr. RICE. I see.

How about Stalins, does he have an interest there?

Mr. BOWERS. That I could not say.

Mr. RICE. Well, wasn't he formerly the owner of the Sunny Isles?

Mr. BOWERS. That I could not tell you; I would not know.

Mr. RICE. From whom did you acquire your interest in the Sunny Isles?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. Didn't you acquire it from Stalins?

Mr. BOWERS. I did not.

Mr. RICE. You know from whom you didn't buy it but you do not know from whom you did?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. How about Ike Miller?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. Now, in the Little Palm, does Ace Deuce Solomon have an interest in that?

Mr. BOWERS. He does, but Childers says he doesn't.

Mr. RICE. He does, but Childers says he doesn't?

Mr. BOWERS. That is correct.

Mr. RICE. How do you account for that?

Mr. BOWERS. I have been telling you the way the problem—

Mr. RICE. What did you say?

Mr. BOWERS. I say it is none of my business. All I am looking out after is George.

Mr. RICE. You are looking out for George, and George's 20 percent?

Mr. BOWERS. That is right.

Mr. RICE. And you do not care who your partners are, is that right?

Mr. BOWERS. That is exactly correct.

Mr. RICE. It does not make any difference?

Mr. BOWERS. Well, I would not say that, no. It would make a difference. I would not be in partners with somebody that I did not—

Mr. RICE. Where did Solomon come from?

Mr. BOWERS. I don't know; I think he come from New York—guessing.

Mr. RICE. Did you ever see him in New York?

Mr. BOWERS. Never in my life.

Mr. RICE. What business was he in in New York?

Mr. BOWERS. He come to—I first met him he was driving a taxicab in the twenties in Miami.

Mr. RICE. Driving a cab? What business was he in in New York?

Mr. BOWERS. That I don't know. I don't know—I said I think he is from New York.

Mr. RICE. Why do they call him Ace Deuce?

Mr. BOWERS. That is what everybody calls him.

Mr. RICE. Why?

Mr. BOWERS. Well, it is just a nickname, just like they call me a lot of things that is not so either.

Mr. RICE. What are some of the things they call you?

Mr. BOWERS. Sir?

Mr. RICE. What are some of the things they call you?

Mr. BOWERS. Well, I have been called most everything, a gentleman sometimes.

Mr. RICE. Did they ever call you George Rankin?

Mr. BOWERS. No; I never went under that name.

Mr. RICE. Never went under that name?

Mr. BOWERS. Carter either.

Mr. RICE. Never went under what?

Mr. BOWERS. George Carter, either.

Mr. RICE. George Carter, either?

Mr. BOWERS. Right.

Mr. RICE. Who else is in the Little Palm beside Ace Deuce?

Mr. BOWERS. Well, Dick Evans, he is dead.

Mr. RICE. Who is Louise Evans?

Mr. BOWERS. Louise Evans—the property is in litigation now. I don't understand what it is all about.

Mr. RICE. She is the survivor of Dick Evans?

Mr. BOWERS. Childers claims she does not own it, but she has paid the Government so much inheritance taxes, and it is all in the courts. I don't have anything, except canceled checks that I paid; that is the only proof I got that I own part of the building.

Mr. RICE. Now, in the Sunny Isles, Julie Levitt, does he have an interest in there?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. How about Charlie—

The CHAIRMAN. If you know, I do not see how that has anything to do with you.

Mr. BOWERS. Well, I don't want—

The CHAIRMAN. You are asked whether Julie Levitt has an interest in that, and you said you refused to answer.

Mr. BOWERS. Yes, sir.

The CHAIRMAN. Well, you are directed to answer that, Mr. Bowers.

Mr. BOWERS. I can stand on my constitutional rights; I have been told I could.

The CHAIRMAN. All right. But this is about somebody else, not about yourself.

Mr. BOWERS. Well, that is going to throw me in right back where we started.

The CHAIRMAN. Anyway, you refuse to answer?

Mr. BOWERS. I don't want to answer anything, Mr. Kefauver, that will tend to incriminate me with that indictment, or with anybody else that is indicted.

The CHAIRMAN. The point is—I think the point we should tell you about, Mr. Bowers, is—

Mr. BOWERS. I think Julie Levitt was a part owner; I am not sure.

The CHAIRMAN (continuing). Under the Supreme Court cases, as they now stand, you can claim your constitutional right under the fifth amendment against not being required to answer any question that might incriminate you of a Federal statute, but that does not apply to a State law. That is, the mere fact that you might be afraid that it would involve you with some State law—

Mr. BOWERS. That is what I am afraid of.

The CHAIRMAN (continuing). Will not give you the right to refuse to answer.

Mr. BOWERS. That is the reason I am refusing to answer.

The CHAIRMAN. I just wanted to explain that matter to you.

You are a man of some substance and means. Do you have an attorney, Mr. Bowers?

Mr. BOWERS. Not with me; no.

The CHAIRMAN. Have you been talking with your attorney?

Mr. BOWERS. I have not talked with him since I left Philadelphia.

The CHAIRMAN. Is he in Philadelphia, your attorney?

Mr. BOWERS. Myron Jacoby; yes, sir. He was—he represented me over there once, and I talked to Mr. Rice and Mr. Klein before.

The CHAIRMAN. He was with you up there?

Mr. BOWERS. Right.

The CHAIRMAN. But he has advised you about matters, has he?

Mr. BOWERS. No; he didn't advise me anything. I just don't want to go to all that expense.

The CHAIRMAN. You want an attorney down here today?

Mr. BOWERS. Sir?

The CHAIRMAN. Do you want to get an attorney to be here with you today?

Mr. BOWERS. I don't see why I need an attorney. If you want to lock me up, go ahead.

The CHAIRMAN. We just want to give you an opportunity to get one.

Mr. BOWERS. No; I don't need any.

The CHAIRMAN. All right.

Mr. RICE. Did your attorney explain to you what your constitutional rights were?

Mr. BOWERS. He told me I did not have to answer any questions that I thought would incriminate me.

Mr. RICE. Did he tell you what contempt was?

The CHAIRMAN. Let us get on.

Mr. BOWERS. Contempt? I don't know what contempt is.

Mr. RICE. Now then, was Charlie Freedman a partner in the—

Mr. BOWERS. That reverts back, Mr. Rice, to the same thing, Julie Levitt, it is all the same thing, and I am not going to put myself in there and get indicted, get re-indicted, in Miami on account of answering questions up here.

Mr. RICE. So you figure you can be indicted on what Charlie Freedman did?

Mr. BOWERS. I don't know. I don't know what I have been indicted on down there. I don't know why I was indicted. We didn't get arrested.

Mr. RICE. Do you know whether or not Charlie Freedman has an interest in the Sunny Isles?

Mr. BOWERS. I just refuse to answer that question about my partners in the Sunny Isles.

Mr. RICE. How about Harold Salvey?

Mr. BOWERS. That is the same thing.

Mr. RICE. Who keeps the books for the Sunny Isles?

Mr. BOWERS. I explained the books were kept by Art somebody—he got killed.

Mr. RICE. Yes.

Mr. BOWERS. Now, the books, the county solicitor has got the books, and we can't get them; we can't get them to pay our income taxes.

Mr. RICE. You are talking about Art Davis, the fellow killed in an automobile accident?

Mr. BOWERS. Now, the books are kept by Ruth something.

Mr. RICE. Yes, in his office; and then they were turned over to Leo Levitt, were they not?

Mr. BOWERS. I don't know whether that is the name or not. I have not been out of the house except maybe for short walks in 2½, 3 months.

Mr. RICE. Well now, did I understand you to say that you just leave the house for short walks?

Mr. BOWERS. That is right.

Mr. RICE. And that is all you have done for how long?

Mr. BOWERS. Two and a half or three months. I have been mostly in bed.

Mr. RICE. Leo Levitt, you say, keeps the books for—

Mr. BOWERS. I did not say Leo Levitt—Sunny Isles; no, there is a c. p. a., I can't think of his name.

Mr. RICE. Costa.

Mr. BOWERS. Costa kept the books for the Little Palm Club years ago.

Mr. RICE. Who kept them for the Sunny Isles?

Mr. BOWERS. He never did, so far as I know.

Mr. RICE. Now, you have an interest in the Sunny Isles. How do you check up on your interest?

Mr. BOWERS. I refuse to answer it. I am going to check as soon as I can check the books. They won't turn the books loose.

Mr. RICE. Who won't turn them?

Mr. BOWERS. The county solicitor, they got the books.

Mr. RICE. Where did they get them from?

Mr. BOWERS. They raided some office and got them, the bookkeeper—

Mr. RICE. Do you know what office that was?

Mr. BOWERS. I was not there at the time.

Mr. RICE. Who do you look to for your share of the proceeds?

Mr. BOWERS. Well, the money is intact; I will get it, it is there.

Mr. RICE. Who are you going to see about it?

Mr. BOWERS. I don't know; I will have to see somebody when I get back. I don't know who has got the money. I couldn't answer if I were to be shot.

Mr. RICE. You do not know who you are going to see?

Mr. BOWERS. I told you I don't know—I can't think of his name.

The CHAIRMAN. It is apparent, Mr. Bowers, that you are trying to keep from being indicted. If you were going to get some money, Mr. Bowers, you would know his name.

Mr. BOWERS. You will have it on my income tax.

The CHAIRMAN. Either answer the questions or refuse to answer them.

Mr. BOWERS. I refuse to answer.

The CHAIRMAN. Let us not be evasive; let us get it settled one way or another, but you know who you will get in touch with.

Mr. BOWERS. I am going to see.

The CHAIRMAN. I say, do you know the person you would get in touch with to get your money?

Mr. BOWERS. I have got to find out what the fellow's name is—the bookkeeper; he has got the money. All I got down is what I put in it?

The CHAIRMAN. All right. Proceed, Mr. Rice.

Mr. RICE. Is it not true that the same bookkeeper who keeps those books, keeps them for the S. & G. Syndicate?

Mr. BOWERS. I have no part of the S. & G. Syndicate; I wouldn't know.

Mr. RICE. Have you ever heard of them?

Mr. BOWERS. Naturally, I read the papers.

Mr. RICE. Who is in the S. & G. Syndicate?

Mr. BOWERS. Sir?

Mr. RICE. Who is in the S. & G. Syndicate?

Mr. BOWERS. You mean if what the newspapers say—

Mr. RICE. Yes.

The CHAIRMAN. If that is all you know, don't say.

Mr. BOWERS. O. K.

Mr. RICE. Well, on the checks that were drawn by the Sunny Isles, doesn't Leo Levitt countersign the checks?

Mr. BOWERS. I refuse to answer that.

The CHAIRMAN. Well, you are directed to answer that question.

Mr. BOWERS. I refuse to on my constitutional rights.

Mr. RICE. Now, sir, how long have you been living at 1000 Venetian Way?

Mr. BOWERS. I bought—my brother and I bought that house in 1941 or 1942, one.

Mr. RICE. Who bought it?

Mr. BOWERS. My brother and I.

Mr. RICE. What is your brother's name?

Mr. BOWERS. Foster. E. Foster Bowers.

Mr. RICE. What does he do for a living?

Mr. BOWERS. Well, he was in the Army, and he is now working with another brother of mine selling paint.

Mr. RICE. What is the other brother's name?

Mr. BOWERS. Hamilton Bowers, Hamilton J. Bowers.

Mr. RICE. What is he doing?

Mr. BOWERS. Selling paint.

Mr. RICE. Hamilton Bowers?

Mr. BOWERS. That is what he does.

Mr. RICE. Where is he located?

Mr. BOWERS. At the time he is working down through the South, working in the Southern States.

Mr. RICE. Where is his home?

Mr. BOWERS. Sir?

Mr. RICE. Where is his home?

Mr. BOWERS. He was born in Tennessee; he has traveled all over the United States.

Mr. RICE. Where is his home?

Mr. BOWERS. He travels.

Mr. RICE. He does not have a home?

Mr. BOWERS. Sir?

Mr. RICE. He does not have a home?

Mr. BOWERS. Well, he travels all the time; he takes different States now, and goes to several other States.

Mr. RICE. Is he married?

Mr. BOWERS. Yes; he is married.

Mr. RICE. Where does his wife live?

Mr. BOWERS. They are in Miami at the present time.

Mr. RICE. Where do they live in the summertime?

Mr. BOWERS. Well, wherever he would be.

Mr. RICE. Doesn't he live in Chicago?

Mr. BOWERS. No; his wife is from Chicago, but he has worked the Northern States, the Northwestern, Montana, and all that through there for the past several years. Now, he is working the Southern States. At one time he used to sell check writers.

Mr. RICE. Where do you get in touch with him when you want to get in contact with him?

Mr. BOWERS. He is in Miami now.

Mr. RICE. How about when he is not in Miami?

Mr. BOWERS. Well, the last place he lived was in Wayne Avenue, Chicago.

Mr. RICE. All right.

Mr. BOWERS. And he never did do anything but was a salesman all his life.

Mr. RICE. And Foster worked with him?

Mr. BOWERS. Well, he has taken up working with him.

Mr. RICE. When did he start that?

Mr. BOWERS. In the past 6, 7 months.

Mr. RICE. Six, seven months, the past six or seven months?

Mr. BOWERS. Yes; he is teaching him.

Mr. RICE. What was Foster doing when you bought the home?

Mr. BOWERS. He was in the Army?

Mr. RICE. In the Army?

Mr. BOWERS. Right.

Mr. RICE. After he left the Army, between the time he left the Army and the last 6 or 7 months, what has he been doing?

Mr. BOWERS. After he left the Army?

Mr. RICE. Yes.

Mr. BOWERS. Well, I had part of the Flagler Gardens at the time; I had part of the Flagler Gardens.

Mr. RICE. How much was it?

Mr. BOWERS. I had 20 percent of the Flagler Gardens, a big bar and dance hall that seated 2,500 people. Anyway, Foster worked with me, and helped me out around there. I paid Foster out of my pocket \$50 a week.

Mr. RICE. All right.

Now, you moved into 1000 Venetian Way in about 1941, you think?

Mr. BOWERS. Well, it was either late 1941 or early 1942, I don't know. I got the deed; I don't know which one it is.

Mr. RICE. Did you have a telephone in there?

Mr. BOWERS. There was no phone in there at the time.

Mr. RICE. No phone in there?

Mr. BOWERS. There was one in there, but there was no number; it was not working, they had cut it off.

Mr. RICE. You had a phone but no number. Then, what happened?

Mr. BOWERS. Well, the Flagler Gardens—I run into some nurse, and she wanted a place to stay.

Mr. RICE. Yes.

Mr. BOWERS. And at that time during the war a nurse could get a telephone.

Mr. RICE. Yes.

Mr. BOWERS. And she asked me about it, and I said, "I will rent you a room in my house," so she is the one who got the telephone. I never had anything to do with getting it; at least, I couldn't get it. I tried to get it, and couldn't.

Mr. RICE. You ran into a nurse at the Flagler Gardens?

Mr. BOWERS. Well, I was there at the—

Mr. RICE. She could get a telephone; she could get a priority?

Mr. BOWERS. She lived in my house; she got the telephone on her own, and I just kept it there after she left.

Mr. RICE. How long did she stay there?

Mr. BOWERS. She must have stayed there, oh, I am guessing. 8, 9, 10 months, I don't know.

Mr. RICE. What year was that?

Mr. BOWERS. I believe it was in 1943, I am not sure.

Mr. RICE. You were not entitled to a priority, were you, for the telephone?

Mr. BOWERS. No, sir.

Mr. RICE. Now then, what was her name?

Mr. BOWERS. Margaret Taylor.

Mr. RICE. What became of her in 1943?

Mr. BOWERS. She went out West somewhere and I got a couple of letters from her, and since then I never heard from her, and I just kept the telephone on in her name.

Mr. RICE. You kept the telephone on in her name?

Mr. BOWERS. It was a three- or four-party line.

Mr. RICE. Yes.

Now then, how did you take care of the telephone bills?

Mr. BOWERS. Paid it.

Mr. RICE. It came in her name and you paid it?

Mr. BOWERS. Right.

Mr. RICE. You did not let the telephone company know she had gone?

Mr. BOWERS. I didn't say nothing; I wanted a telephone.

Mr. RICE. Now, then, have you ever switched the telephone to your name?

Mr. BOWERS. Yes; I did.

Mr. RICE. When was that?

Mr. BOWERS. Well, I had some trouble with the telephone, a lot of long-distance calls, and one thing and another, and I went to see a Miss Banks in the telephone office, the business telephone office, and they put the telephone in my name, and there had been a call to California of \$19, and one to Colorado for \$17, and a lot of more calls. She said she would trace it down, and a lot of wires were charged to my phone, which I did not send, and in Miami you can put a nickel in a slot, and tell them your telephone number is such and such a number.

Mr. RICE. We are not interested in that. When did you get it in your name?

Mr. BOWERS. I am guessing, 1943, and I am not sure, 1943 or 1944.

Mr. RICE. All right. I will read from a record, and see if it refreshes your recollection. "Miami telephone 30527 at 1000 North Venetian Drive was transferred from Margaret Taylor to George L. Bowers on May 6, 1950."

Mr. BOWERS. That is right. That is when I transferred it. I thought you was speaking about Margaret Taylor when she got it.

Mr. RICE. Yes. I was talking about that, but I am up to you now.

Mr. BOWERS. I had the phone transferred when I had trouble with the bills.

Mr. RICE. Had trouble with the bills?

Mr. BOWERS. Right.

Mr. RICE. In May of 1950?

Mr. BOWERS. Right.

Mr. RICE. Now then, you have it in your name?

Mr. BOWERS. Right.

Mr. RICE. At the time you obtained that service, you gave a reference of Joe Byrnes or Joe Brinns. Who is he?

Mr. BOWERS. Joe Byrne lives on Sunset Island No. 2.

Mr. RICE. How do you spell that name?

Mr. BOWERS. B-y-r-n-e.

Mr. RICE. B-y-r-n-e?

Mr. BOWERS. Right.

Mr. RICE. Where does he live in the summertime?

Mr. BOWERS. Well, he generally travels. He is in Europe and in California.

Mr. RICE. What is his business?

Mr. BOWERS. He is in the beauty culture business. He puts on shows.

Mr. RICE. Is he a bettor, does he gamble?

Mr. BOWERS. I see him at the race track all the time.

Mr. RICE. Do you ever see him at any gambling casino?

Mr. BOWERS. Not as I recall.

Mr. RICE. Why did you give him for a reference?

Mr. BOWERS. He is a friend of mine. He lets me use his room in New York any time I go there when he is not there.

Mr. RICE. Oh, he has a room up there? Where is that?

Mr. BOWERS. In the Waldorf-Astoria.

Mr. RICE. Waldorf-Astoria?

Mr. BOWERS. He keeps it by the year; he doesn't hardly stay there 30 days in the year.

Mr. RICE. Do you know Frank Costello?

Mr. BOWERS. Never saw him in my life.

Mr. RICE. Do you know Frank Erickson?

Mr. BOWERS. Never saw him in my life.

Mr. RICE. Ever transact any business with him?

Mr. BOWERS. Never in my life.

Mr. RICE. You are sure about that?

Mr. BOWERS. I am positive.

Mr. RICE. All right.

Mr. BOWERS. I would not know him if I saw him.

Mr. RICE. I think you previously testified that you never used any other name except your own?

Mr. BOWERS. That is right.

Mr. RICE. That is George L. Bowers?

Mr. BOWERS. Except I went out—when I was at some tourist camp or something like that, if you know what I mean.

Mr. RICE. No; I do not.

Mr. BOWERS. There are ladies in here; I can't tell you.

[Laughter.]

Mr. RICE. Did you ever use the name George Rankin?

Mr. BOWERS. No, sir.

Mr. RICE. George Carter?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. You refuse to answer it?

Mr. BOWERS. I refuse to answer it; I told you once I had not used it.

Mr. RICE. All right.

Now, do you know a man by the name of Rush, John Rush?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. You refuse to answer whether you know John Rush?

Mr. BOWERS. Right. He testified and you got his testimony.

Mr. RICE. You do know him, then, do you not?

Mr. BOWERS. I refuse to answer that, Mr. Rice.

The CHAIRMAN. You are directed to answer that question.

Mr. BOWERS. I refuse to.

The CHAIRMAN. John Rush is an attorney in Jacksonville.

Mr. RICE. Jacksonville, Fla. Is that right?

Mr. BOWERS. I told you I refuse to answer it.

Mr. RICE. Well, now, did you ever transact any business with John Rush?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. Did you ever send him a telegram?

Mr. BOWERS. I refuse to answer that on the grounds of incrimination, all these refusals—

The CHAIRMAN. We understand that.

Mr. BOWERS. Constitutional rights.

The CHAIRMAN. We understand. You are being directed to answer those questions. You understand that?

Mr. BOWERS. You did tell me I had the right not to answer them, didn't you?

The CHAIRMAN. No, Mr. Bowers.

Mr. BOWERS. Well, constitutional rights—

The CHAIRMAN. I told you we would recognize your right insofar as any Federal statute is concerned, but I want you to understand that the questions you have refused to answer, that the chairman has directed you to answer, do you understand that?

Mr. BOWERS. Well, I have to stand on my constitutional rights. I don't want to get convicted.

The CHAIRMAN. Anyway, you refuse to answer?

Mr. BOWERS. That is right.

Mr. RICE. Did a George Rankin live with you at Venetian Way?

Mr. BOWERS. I don't know any George Rankin.

Mr. RICE. You do not know any George Rankin. Did any people live in Venetian Way that you did not know?

Mr. BOWERS. I don't know George Rankin, Mr. Rice.

Mr. RICE. You know everybody who lived with you there?

Mr. BOWERS. I should, it was my house and my brother's.

Mr. RICE. You should. Just you and your brother lived there?

Mr. BOWERS. And my wife.

Mr. RICE. And no one else?

Mr. BOWERS. At times we have had fellows to come in, and fellows who stayed 2 or 3 days, something like that, but never no George Rankin.

Mr. RICE. All right, sir.

I am going to show you a telegram to John Rush.

Mr. BOWERS. I have seen that telegram, you showed that to me once.

Mr. RICE. I am going to show it to you again. It is directed to John Rush, Attorney, Florida Theater Building [reading]:

Would like appointment with you afternoon or early night regarding lawsuit. Please wire me back collect what time to meet you and where.

It is signed "George Rankin."

It is sent from the telephone at 1000 Venetian Way, and I ask you if you know anything about that. [Showing document to witness.]

Mr. BOWERS. I don't know a thing about it. I have seen it once.

Mr. RICE. Isn't that your telegram?

Mr. BOWERS. Not mine. I told you that in Philadelphia.

Mr. RICE. It is the telephone in your house, is it not?

Mr. BOWERS. It was, 30527, that was my number. They have taken it out while I was gone.

Mr. RICE. 1000 Venetian Way?

Mr. BOWERS. That is right.

Mr. RICE. How do you account for that telegram being charged to your telephone?

Mr. BOWERS. The same way I can account for calls that come to California and to Colorado that I know nothing about. I don't know anybody in California or Colorado, and they made me pay a hundred-and-some-odd dollars on a bill, and that is why I went in and had the telephone changed; I talked to a woman by the name of Banks. That is positively the truth.

Mr. RICE. Did you pay your telephone bill?

Mr. BOWERS. If you didn't, you wouldn't have any.

Mr. RICE. Now, when you get something like that charged to it, do you pay it anyhow?

Mr. BOWERS. You go down there, and if you don't pay it, they will cut it off.

Mr. RICE. I notice that in your telephone the calls charged on your phone are charged to John Rush at the Hotel Wayne, in Waynesboro, Ga., after you had tried Jacksonville, Fla., first, on January 9, 1950. On January 11, there was one charged to you, to Mr. Rush.

Mr. BOWERS. I have talked to Mr. Rush but I don't know—I can't specify the date.

Mr. RICE. You have talked to him?

Mr. BOWERS. I have talked to him.

Mr. RICE. Has he acted as your counsel?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. What did you talk to him about?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. What business is he in?

Mr. BOWERS. You said he was an attorney. You say he is an attorney.

Mr. RICE. What business do you say he is in?

Mr. BOWERS. I wouldn't say.

Mr. RICE. You talked to him?

Mr. BOWERS. I talked to thousands of people.

Mr. RICE. I see that on September 27, 1949, a George Bowers made a person-to-person call to Jacksonville, Fla., to John Rush. Was that you?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. Again on—

The CHAIRMAN. You understand that you are directed to answer these questions.

Mr. BOWERS. I am being directed but I stand on my constitutional rights, Your Honor.

The CHAIRMAN. All right.

Mr. RICE. On October 30, 1949, you called him at Jacksonville?

Mr. BOWERS. Mr. Rice, I refuse to answer any questions pertaining to gambling, on my constitutional rights. I have heard that I do have that right.

Mr. RICE. Do I take it that your calls to Rush were in connection with gambling?

Mr. BOWERS. I didn't say that. I said I refuse to answer the question.

The CHAIRMAN. Was Mr. Rush representing you in any case?

Mr. BOWERS. I refuse to answer that. He has testified, so I hear.

Mr. RICE. I see, inside of a space of 2 months, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18—18 long-distance telephone calls to Rush in Jacksonville.

Mr. BOWERS. I refuse to answer that, Mr. Rice.

Mr. RICE. You don't have any explanation for that, at all?

Mr. BOWERS. None whatever.

Mr. RICE. Do you know a man named Crosby?

Mr. BOWERS. I refuse to answer that.

The CHAIRMAN. You are directed to answer.

Mr. BOWERS. I stand on my constitutional rights.

Mr. RICE. Referring to a man by the name of Crosby, a so-called investigator for Gov. Fuller Warren, do you know him?

Mr. BOWERS. I refuse to answer that, Mr. Rice.

Mr. RICE. I see a number of calls from your home telephone, person-to-person, from you to Crosby, in Jacksonville. Did you ever talk to him on the phone?

Mr. BOWERS. I refuse to answer anything.

Mr. RICE. On what ground?

Mr. BOWERS. Constitutional rights.

Mr. RICE. This man is an investigator.

Mr. BOWERS. I refused to answer once, Mr. Rice.

Mr. RICE. Do you know George McDonald, Jacksonville?

Mr. BOWERS. I have met George McDonald.

Mr. RICE. Do you know him?

Mr. BOWERS. I met him.

Mr. RICE. What business is he in?

Mr. BOWERS. Couldn't prove it by me.

Mr. RICE. Did you have any transactions with him?

Mr. BOWERS. Never in my life.

Mr. RICE. Did you and Jack Middleton and George McDonald have an interest in an airplane?

Mr. BOWERS. Jack Middleton and myself had an interest in an airplane. I had an interest with Jack Middleton.

Mr. RICE. How about George McDonald?

Mr. BOWERS. George McDonald had nothing to do with that airplane. I win Joe Williams' half of it playing golf.

Mr. RICE. Joe Williams is the man with the Peacock Club in Jacksonville?

Mr. BOWERS. That is right.

Mr. RICE. Middleton is with the Embassy Club?

Mr. BOWERS. Yes.

Mr. RICE. What happened when you were playing golf?

Mr. BOWERS. I win half the airplane. That left Jack Middleton owning half. I matched Jack Middleton for his half. I win it. He stole the airplane and the airplane burned up.

The CHAIRMAN. That is the affair of the airplane?

Mr. BOWERS. That is true.

The CHAIRMAN. Let's pursue that. What kind of a plane was it?

Mr. BOWERS. Stinson, 165 horsepower.

The CHAIRMAN. How much did it cost?

Mr. BOWERS. Well, I think Joe and Jack bought it, it wasn't exactly new, but almost new, I am not sure but I think they gave around \$5,000 for it.

The CHAIRMAN. You were playing golf with which one?

Mr. BOWERS. Joe Williams.

The CHAIRMAN. And you won his half of the airplane.

Mr. BOWERS. Yes.

The CHAIRMAN. How much did you put up, how much would you have paid him if you had lost?

Mr. BOWERS. The airplane at that time, he said his end was worth \$1,500.

The CHAIRMAN. So you bet him \$1,500?

Mr. BOWERS. Not all at one time, no. It started out playing \$2 a hole.

The CHAIRMAN. And by the time you were finished you were playing for \$1,500 on your side?

Mr. BOWERS. This was over a period of several months.

The CHAIRMAN. And you won half of the airplane?

Mr. BOWERS. There was no money transferred.

The CHAIRMAN. Who owned the other half?

Mr. BOWERS. Jack Middleton.

The CHAIRMAN. And then you and he decided that one or the other should own it?

Mr. BOWERS. He wouldn't pay any expenses, they are pretty expensive, and he said, "Well, I will match you," and we matched, and I win, and I thought the airplane was mine, but he wouldn't release his end of it; it was still half in his name.

The CHAIRMAN. Then what happened?

Mr. BOWERS. I had the airplane at Fort Lauderdale, a fellow was doing some work on it at that time, and Jack got some fellow to take off downwind and got away with the airplane, and after they got the airplane it burned up.

Mr. RICE. Did you report that to the police?

Mr. BOWERS. I reported it to the Aeronautical; yes, sir.

Mr. RICE. The police?

Mr. BOWERS. The police and the Aeronautical; sure, everybody.

Mr. RICE. Did you report that the plane had been stolen?

Mr. BOWERS. The fellow that owned the airport did so.

The CHAIRMAN. You reported it to the Aeronautical Insurance Co.?

Mr. BOWERS. Not insurance; Aeronautical.

The CHAIRMAN. The Civil Aeronautics Administration?

Mr. BOWERS. That is right. They looked for the airplane all over and couldn't find it. Finally the airplane burned up—how or why, I don't know.

Mr. RICE. Where did it burn?

Mr. BOWERS. Somewhere around Jacksonville. I wasn't in Jacksonville at the time.

Mr. RICE. How long did you have it before it burned up?

Mr. BOWERS. Oh, I don't know exactly how long I had it; I must have put 300 hours on it myself.

The CHAIRMAN. Which one of these fellows, Joe Williams and Jack Middleton, had some place out on Atlantic Beach, near Jacksonville?

Mr. BOWERS. Atlantic Beach? Only one club out there, Embassy, but I never had no part of the Embassy.

The CHAIRMAN. That was Middleton?

Mr. BOWERS. Middleton was supposed to have owned it, but I never did have any part of it.

Mr. RICE. You say you tossed a coin for half of the plane?

Mr. BOWERS. Matched for it. Matched. He flipped it and he called it.

Mr. RICE. He flipped it and he called it.

Mr. BOWERS. And he called it wrong.

Mr. RICE. He called it wrong?

Mr. BOWERS. Right.

Mr. RICE. Do you know Rhodes Boynton?

Mr. BOWERS. He is dead.

Mr. RICE. He is dead?

Mr. BOWERS. Yes.

Mr. RICE. Where did he live before he died?

Mr. BOWERS. Orlando.

Mr. RICE. What business was he in?

Mr. BOWERS. I don't know. You asked me that once before and I told you I had never been in business with him.

Mr. RICE. Yes.

Mr. BOWERS. In the early thirties, before the mutuels come to Saratoga, he and I was in the betting ring; we had space we rented off the race track.

Mr. RICE. You were booking at Saratoga?

Mr. BOWERS. Yes. I didn't put up any money. He put up the money. I was there. I had a piece of it. We lasted about a week and he got knocked out and that was the end of it.

Mr. RICE. What do you mean "got knocked out"?

Mr. BOWERS. Lose all he could lose; all he had.

Mr. RICE. Now, then, he came to Orlando?

Mr. BOWERS. He is originally from Albany.

Mr. RICE. What did he do in Orlando?

Mr. BOWERS. He operated the Flamingo Night Club.

Mr. RICE. Wasn't that a gambling place, too?

Mr. BOWERS. I never did see any gambling in there.

Mr. RICE. It wouldn't surprise you; would it?

Mr. BOWERS. I don't know, I didn't never see any gambling there; I have been in the spot but never saw any gambling.

Mr. RICE. Who is Morrie Ryan?

Mr. BOWERS. Morrie Ryan?

Mr. RICE. Yes.

Mr. BOWERS. From Newport?

Mr. RICE. That is right; Kentucky.

Mr. BOWERS. Yes.

Mr. RICE. What does he do up there?

Mr. BOWERS. Well, I don't know what he does. He has the Yorkshire Restaurant.

Mr. RICE. What was the connection between Ryan and Boynton in Orlando?

Mr. BOWERS. That I couldn't say.

Mr. RICE. Was there a connection there?

Mr. BOWERS. Mr. Rice, I don't know. I know I never had anything to do with it.

Mr. RICE. They were friends?

Mr. BOWERS. Well, they knew one another.

Mr. RICE. How come you sent a wire to Morrie Ryan, up in Newport, when Rhodes Boynton died?

Mr. BOWERS. How come me to send a wire?

Mr. RICE. Yes.

Mr. BOWERS. That I don't recollect. It could have happened.

Mr. RICE. I have a wire signed "Foster" directed to Morrie Ryan, 518 Newport:

Rhodes Boynton passed away this morning at Orlando; services at 2 o'clock Tuesday.

Signed "Foster." Charged to the telephone in your house.

Mr. BOWERS. Foster could have sent it. I wouldn't have known. Rhodes and I had learned to fly together. I never had any business dealings with him, if that is what you mean.

Mr. RICE. Did Boynton ever come down to the Little Palm Club?

Mr. BOWERS. He has had dinner in there.

Mr. RICE. Do you know Les Kruse?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. Do you know a man named Les Kruse, alias Killer Cain?

Mr. BOWERS. I don't know anybody by that name—Killer Cain?

Mr. RICE. You don't know him by that name?

Mr. BOWERS. I refuse to answer the Kruse question.

Mr. RICE. Where is Kruse located?

Mr. BOWERS. I don't know.

Mr. RICE. You don't know? Ever had any trouble locating him?

Mr. BOWERS. Never did try to locate him.

Mr. RICE. Never did?

Mr. BOWERS. You show me a wire with my named signed to it—

Mr. RICE. Can you explain that?

Mr. BOWERS. I don't know how you can explain that, except anybody can go to a telephone and send a long-distance call and charge it to any number; they can charge it to my number, and they will send it, and I will pay for it.

Mr. RICE. Any time I want to make a call I can charge it to your number?

Mr. BOWERS. Just go to a pay box and put in a nickel and tell them that you are So-and-So, I want this charged to this number, and they will do it.

Mr. RICE. And you will pay for it?

Mr. BOWERS. I will pay for it.

Mr. RICE. As the boys say, "That ain't bad." I will read you a wire—

Mr. BOWERS. If you don't pay it they will take the phone out.

Mr. RICE. A wire dated in May of 19—, May 12, I can't pick the year off of it, but it is evidently 1950—to Les Kruse, 5206 Oakland Street, Skokie, Ill. It reads:

Trying to locate you. Impossible. Wire me where I can call you. If you are ducking me just say "yes" or "no." Either way is all right. Answer by wire. Let me know if I should call. The farm is o. k.

Signed "George Bowers."

Know anything about that?

Mr. BOWERS. I have seen that before. Refuse to answer. I refuse to answer that.

Mr. RICE. You refuse to answer?

Mr. BOWERS. Yes.

Mr. RICE. On what ground?

Mr. BOWERS. Constitutional right.

Mr. RICE. Isn't Kruse a man connected with the wire service, Pioneer News, William Brown, in St. Louis?

Mr. BOWERS. That I wouldn't know.

Mr. RICE. You wouldn't know that.

Mr. BOWERS. No. I don't know anybody that is connected with it. I never had a horse book in my life.

Mr. RICE. You never had a horse book?

Mr. BOWERS. Right; never did.

Mr. RICE. What has that to do with Kruse?

Mr. BOWERS. You asked me was he connected with the race track service.

Mr. RICE. Yes. What is he connected with?

Mr. BOWERS. I don't know.

Mr. RICE. You don't know?

Mr. BOWERS. That is right.

Mr. RICE. How come you refused to answer?

Mr. BOWERS. Because I don't know. I refuse to answer something I don't know anything about.

Mr. RICE. Something you don't know you refuse to answer?

Mr. BOWERS. That is exactly right.

Mr. RICE. Is it that you don't know or do you deny that you sent the wire?

Mr. BOWERS. Put it any way you want. I refuse to answer.

Mr. RICE. You refuse to answer which way it is?

Mr. BOWERS. I told you that once.

Mr. RICE. Which is it?

Mr. BOWERS. I refuse to answer on the ground it might incriminate me.

Mr. RICE. Do you deny sending the wire?

Mr. BOWERS. Right.

The CHAIRMAN. Mr. Rice, by way of background, to show the relevancy, the testimony already before the committee is that the Les Kruse stock in the Pioneer News Service of St. Louis was transferred to William Brown; is that right?

Mr. RICE. Yes. That is according to the record, yes.

Did you ever telephone to Kruse?

Mr. BOWERS. No.

Mr. RICE. Never telephoned him?

Mr. BOWERS. No.

Mr. RICE. Did you ever telephone him at Hot Springs?

Mr. BOWERS. No. I saw that. You showed that to me.

Mr. RICE. Beg pardon?

Mr. BOWERS. You showed me something about that, you asked me about it once.

Mr. RICE. Yes. Never did do that?

Mr. BOWERS. Not that I recollect.

Mr. RICE. We have a record here of a call from your telephone to Kruse at Hot Springs.

Mr. BOWERS. Mr. Rice, you have a lot of records.

Mr. RICE. You called him on January 23, March 19, two calls on March 27, 1950; Buckingham 13878, listed with Leslie Kruse, 4300 Marine Drive, Chicago, Ill. Does that help you any?

Mr. BOWERS. I refuse to answer.

Mr. RICE. What do you refuse to answer?

The CHAIRMAN. You are directed to answer.

Mr. BOWERS. I stand on my constitutional rights.

The CHAIRMAN. Let's go on.

Mr. RICE. Do you know William Johnston?

Mr. BOWERS. I refuse to answer that on constitutional right.

Mr. RICE. The man that is president of four dog tracks in Florida?

Mr. BOWERS. Refuse to answer.

Mr. RICE. Sportsman's Park, Chicago?

Mr. BOWERS. Same answer.

The CHAIRMAN. You understand you are being directed to answer these questions.

Mr. BOWERS. That is right, but I still have the right to not answer on my constitutional rights, so I am told.

Mr. RICE. Do you think the answer would incriminate you or Johnston?

Mr. BOWERS. Wouldn't incriminate either one of us but I just refuse to answer.

Mr. RICE. You just plain refuse?

Mr. BOWERS. That is right. I don't know anything about him.

Mr. RICE. Do you know him?

Mr. BOWERS. I refuse to answer. I answered you once.

The CHAIRMAN. All right; let's go on.

Mr. RICE. Mr. Burling would like to inquire.

Mr. BURLING. You have been refusing to answer questions on the ground of your constitutional right. Do I understand that the constitutional right you claim is the right against self-incrimination?

Mr. BOWERS. That is right.

Mr. BURLING. That is the only right you claim?

Mr. BOWERS. Because I am indicted in the State of Florida now.

Mr. BURLING. The sole basis of your claim is that you are afraid—

Mr. BOWERS. Incriminate myself. I stand on my constitutional right.

Mr. BURLING. Will you wait until I finish my question, please?

Mr. BOWERS. Yes.

Mr. BURLING. Thank you.

The sole basis of your claim that you have a right not to answer these questions is that it might incriminate you in the proceedings pending in the State courts of Florida?

Mr. BOWERS. That is correct.

Mr. BURLING. You don't make any other claim?

Mr. BOWERS. In this court here, too.

Mr. BURLING. This is not a court.

The CHAIRMAN. All right. Anything else, Mr. Rice?

Mr. RICE. Yes.

I see a record here of long-distance calls from you to Miami Beach, to Johnston at Jacksonville, on September 25, 1949, October 1, 1949, and December 18, 1949, you called him at Tampa; can you explain those calls?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. Do you know Harry Russell?

Mr. BOWERS. I refuse to answer that on the ground of constitutional rights.

Mr. RICE. Do you know Harry Russell's wife?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. On what grounds?

Mr. BOWERS. Self-incrimination; constitutional right.

Mr. RICE. Does he have a wife named Orchid?

Mr. BOWERS. I refuse to answer; just refuse to answer that, Mr. Rice.

Mr. RICE. Now, isn't it true that you are a very close friend of Russell?

Mr. BOWERS. I refuse to answer that, if I knew him; that will take care of that.

Mr. RICE. You met Russell through his wife Orchid, didn't you?

Mr. RUSSELL. I refuse to answer that. I refuse knowing Russell.

Mr. RICE. You what?

Mr. BOWERS. I refuse on knowing Russell.

Mr. RICE. You refuse to know him?

Mr. BOWERS. On the ground of incrimination.

Mr. RICE. How about Tony Carter?

Mr. BOWERS. I refuse to answer that, although I don't think I ever saw him in my life.

Mr. RICE. Ever been on his yacht, the *Clara Jo*?

Mr. BOWERS. Never.

Mr. RICE. Never been on the yacht?

Mr. BOWERS. No.

Mr. RICE. Not the *Clara Jo*?

Mr. BOWERS. Not on the *Clara Jo*.

Mr. RICE. Was the name changed?

Mr. BOWERS. That I don't know.

Mr. RICE. Was it changed to the *Flamingo*?

Mr. BOWERS. I was on the *Flamingo*.

Mr. RICE. The same boat?

Mr. BOWERS. That I couldn't say.

Mr. RICE. Well, didn't you borrow that, after S. & G. bought it, to go on fishing trips?

Mr. BOWERS. I refuse to answer that.

The CHAIRMAN. Let's get on.

Mr. RICE. It is said that people from Nashville were on that boat, Senator.

The CHAIRMAN. Ask him about it.

Mr. RICE. Did you ever take anybody from Nashville on that boat with you?

Mr. BOWERS. I refuse to answer I have been on the boat. You asked me if I took anybody out on the boat and I refuse to answer that, naturally. I refuse to answer all questions that might incriminate me. I think I have the constitutional right to refuse.

Mr. RICE. You think it would be incriminating to say you had been on that boat?

Mr. BOWERS. Well, I have been arrested for nothing before.

Mr. RICE. Did you ever call Russell at the Blackstone Hotel in Chicago?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. We have a record of a number of telephone calls—

Mr. BOWERS. I refuse to answer. I just told you I refused to answer that I know the man, Mr. Rice.

Mr. RICE. Conceivably you could make a telephone call to some one without knowing him.

Mr. BOWERS. I refuse to answer that.

Mr. RICE. All right. Do you know Lieutenant Hutoe?

Mr. BOWERS. I know of him.

Mr. RICE. Who is he?

Mr. BOWERS. He is on the police force, that is all I know.

Mr. RICE. What police force?

Mr. BOWERS. Miami.

Mr. RICE. Miami Beach?

Mr. BOWERS. Miami.

Mr. RICE. In what capacity is Lieutenant Hutoe?

Mr. BOWERS. Used to be a lieutenant. I don't know what he is now. I don't know what—I haven't seen him in a long time.

Mr. RICE. On the vice squad?

Mr. BOWERS. I wouldn't know.

Mr. RICE. Is he off of the force now?

Mr. BOWERS. That I couldn't say. I don't know.

Mr. RICE. Still on, isn't he?

Mr. BOWERS. I don't know. I take it for granted that he is because if he hadn't it would be in the newspapers and I probably would know it.

Mr. RICE. So you think he is still on?

Mr. BOWERS. I think so.

Mr. RICE. What transactions have you had with Lieutenant Hutoe?

Mr. BOWERS. I explained that once to you.

Mr. RICE. Let's hear it again.

Mr. BOWERS. Well, I refuse to answer that question.

Mr. RICE. You mean that you explained it once and now you refuse?

Mr. BOWERS. Yes.

Mr. RICE. On what ground?

Mr. BOWERS. Incrimination.

Mr. RICE. Well, now, let me see if my recollection will help you any. According to my notes you said that you had a Chrysler automobile which was stolen during the winter of 1950, and it was recovered by Hutoe; is that right?

Mr. BOWERS. I wasn't under oath when I was in Philadelphia. I wasn't handed no subpoena until I walked out the door, if you recollect that.

Mr. RICE. So that what you told in—

Mr. BOWERS. What I said in Philadelphia is not here.

Mr. RICE. You weren't under oath at that time?

Mr. BOWERS. No.

Mr. RICE. When you are under oath do your stories vary from when you are not under oath?

Mr. BOWERS. In some cases.

Mr. RICE. Sometimes you don't tell the truth, then; is that right?

Mr. BOWERS. I didn't say that.

Mr. RICE. What did you mean?

The CHAIRMAN. Anyway, is that true or not?

Mr. BOWERS. Refuse to answer that.

The CHAIRMAN. What?

Mr. BOWERS. I refuse to answer that.

The CHAIRMAN. All right; go ahead.

Mr. RICE. Now, then, let's go back to the automobile. Did you have a Chrysler?

Mr. BOWERS. I owned a Chrysler.

Mr. RICE. Was it stolen?

Mr. BOWERS. It was taken.

Mr. RICE. It was taken?

Mr. BOWERS. Put it that way. I got it back.

Mr. RICE. Who got it back for you?

Mr. BOWERS. I refuse to answer that. It was on account of a girl.

Mr. RICE. On account of a girl?

Mr. BOWERS. Yes. A girl took the car. That is the reason I refuse to answer.

Mr. RICE. Did the police recover it?

Mr. BOWERS. I refuse to answer, Mr. Rice.

Mr. RICE. Would you like to explain any further special circumstances?

Mr. BOWERS. No, no.

Mr. RICE. You refuse——

Mr. BOWERS. I refuse to answer questions that might incriminate me; over and over I refuse.

Mr. RICE. Having your car stolen is going to incriminate you?

Mr. BOWERS. Well, it might with my wife; yes.

The CHAIRMAN. I think that is a sound constitutional privilege. The first one you have asserted that seems to have some substance to it, I might say.

Mr. RICE. Now, then, when did you get your wife?

Mr. BOWERS. When I got her?

Mr. RICE. Yes.

Mr. BOWERS. You were in Philadelphia.

Mr. RICE. That is right, I was; in August.

Mr. BOWERS. The night after, I think; the night that I met you. You got the date there.

Mr. RICE. In the winter?

Mr. BOWERS. It was the next day.

Mr. RICE. That was in the winter of 1950?

Mr. BOWERS. I have been knowing my wife for 15 years.

Mr. RICE. She wasn't your wife until August, was she?

Mr. BOWERS. Till August is right.

Mr. RICE. When the car was taken you didn't have a wife, did you?

Mr. BOWERS. I wouldn't say that.

Mr. RICE. You wouldn't say that?

Mr. BOWERS. Anyway, if I answer that question, that question will cause me a lot of trouble, and I refuse to answer it.

The CHAIRMAN. You mean it is going to cause you a lot of trouble with your prospective wife?

Mr. BOWERS. No; I am already married, but I might not be if I answer that question.

Mr. RICE. Now, then, what transactions did you have, if any, with Lieutenant Hutoe?

Mr. BOWERS. I have never had any transactions with him whatsoever.

Mr. RICE. Are you sure about that?

Mr. BOWERS. I am more than sure.

Mr. RICE. That is definite, that is positive?

Mr. BOWERS. Right.

Mr. RICE. You never had any transactions with him whatsoever?

Mr. BOWERS. No.

Mr. RICE. No business dealings with him?

Mr. BOWERS. No.

Mr. RICE. Ever telephone to him?

Mr. BOWERS. I just answered the question. You made four questions out of one.

Mr. RICE. Let me hear your answer.

Mr. BOWERS. I refuse to answer. That settles it.

Mr. RICE. Did you ever telephone him?

Mr. BOWERS. I refuse—

Mr. RICE. Did you ever send him a telegram?

Mr. BOWERS. I refuse to answer.

The CHAIRMAN. Let's go on.

Mr. RICE. Listen to this, a telegram to Mr. Hutoe, April 3, 1950, charged to your telephone:

Weather clear. Car running good. In fact excellent. Go to sleep. You are in for sure. You are very hard to locate.

What did you mean by that?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. What did you mean by "You are in for sure"?

Mr. BOWERS. I told you I refuse to answer it, Mr. Rice.

Mr. RICE. Here is another one, March 26, 1950, 10:50 p. m., to C. O. "Hutto," phone 92768, 450 Southwest Nineteenth Road, Miami, Fla.:

Tried to contact you all day. Phone out of order. Am sure car will be fixed. No doubt. Don't worry. Am leaving for Jacksonville-Tampa. Be back real fast.

How about that?

Mr. BOWERS. Refuse to answer that.

Mr. RICE. Did you send that?

Mr. BOWERS. Refuse to answer that.

Mr. RICE. What was the transaction?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. Do you deny that you sent it?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. Well, as a matter of fact, one of these wires is signed "Carter."

Mr. BOWERS. Signed what?

Mr. RICE. Carter, George Carter.

Mr. BOWERS. My recollection is I never used no name "Carter." I never used no name but my own.

Mr. RICE. Having knowledge that it is signed "Carter," do you want to withdraw your denial?

Mr. BOWERS. I refuse to answer.

Mr. RICE. Still refuse to answer whether it was Carter or you?

Mr. BOWERS. Yes.

Mr. RICE. If it was Carter it wouldn't incriminate you, would it?

Mr. BOWERS. Refuse to answer because you won't take any other answer.

Mr. RICE. You don't know what I will take?

The CHAIRMAN. Let's go ahead.

Mr. RICE. Now, then, do you know Butsy O'Brien?

Mr. BOWERS. I refuse to answer that question.

Mr. RICE. William Gerald O'Brien, the wire service man in Miami?

Mr. BOWERS. I refuse to answer that, Mr. Rice.

Mr. RICE. Sometimes called Keogh. Do you know him?

Mr. BOWERS. Refuse to answer.

Mr. RICE. Do you know Hagerty?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. On what grounds?

Mr. BOWERS. Constitutional rights.

The CHAIRMAN. You are directed to answer those questions; you understand you are being directed to answer those questions?

Mr. BOWERS. I still stand on my constitutional rights.

Mr. RICE. A while back you said you never had a horse book, didn't you?

Mr. BOWERS. That is correct.

Mr. RICE. These men are in the wire*service which serves horse books; isn't that right?

Mr. BOWERS. I wouldn't know.

Mr. RICE. Suppose I suggested they are. Is there any reason why you should refuse to answer if you have never been in a horse book?

Mr. BOWERS. I refuse to answer.

Mr. RICE. On what ground?

Mr. BOWERS. I might incriminate myself.

Mr. RICE. I see where you telephoned Hagerty a number of times.

Mr. BOWERS. That is wire tapping, ain't it, in case I did?

Mr. RICE. It could be.

Mr. BOWERS. You are liable to use that in court.

The CHAIRMAN. It isn't wire tapping. We have the records of the telephone company. They were gotten under subpena. So it is not wire tapping.

Mr. RICE. I see where you called Hagerty several times: January 1950—

Mr. BOWERS. I refuse to answer that.

Mr. RICE. Know anything about that?

Mr. BOWERS. Refuse to answer that.

Mr. RICE. Did you ever hear of the cut-off of the wire service to Miami Beach in February or March of 1949?

Mr. BOWERS. I read something about that in the papers. I couldn't swear to it.

Mr. RICE. Did you talk to Hagerty about that?

Mr. BOWERS. I never did. All I know about it is what I read in the papers.

Mr. RICE. Did you talk to your friend Russell about that?

Mr. BOWERS. I refuse to answer that I even know Russell.

Mr. RICE. Now, I see you telephoned to a fellow named "Sponie," a dealer for the Beverly Hills Country Club outside of Cincinnati. What was that about?

Mr. BOWERS. Refuse to answer.

Mr. RICE. Who is he?

Mr. BOWERS. You know as much about him as I do. I could have talked to him, I don't know, but I refuse to answer the question.

Mr. RICE. Do you know Ralph Pierce?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. Well, Ralph Pierce, a Chicago man, associated with Harry Russell, do you know him?

Mr. BOWERS. I don't know gangsters. You people got me tied up with gangsters I never heard of in my life.

Mr. RICE. Do you say you don't know Ralph Pierce?

Mr. BOWERS. I refuse to answer.

Mr. RICE. Will you say you don't know Ralph Pierce?

Mr. BOWERS. I refuse to answer. You got me tied up being a hoodlum and gangster.

Mr. RICE. If you are not tied up with these boys, how come you would be telephoning to them?

Mr. BOWERS. I didn't say I ever telephoned.

Mr. RICE. The record shows you telephoned to him.

Mr. BOWERS. I don't say I did.

Mr. RICE. Do you deny that you did?

Mr. BOWERS. I refuse to answer.

Mr. RICE. You won't deny it then, will you?

Mr. BOWERS. I refuse to answer.

The CHAIRMAN. He refuses to answer. Let's go on.

Mr. RICE. Do you know anyone in the police department of Philadelphia?

Mr. BOWERS. How is that?

Mr. RICE. Do you know anyone on the police department in Philadelphia, on the police force?

Mr. BOWERS. No.

Mr. RICE. Don't know anybody there?

Mr. BOWERS. Not that I can recall.

Mr. RICE. Well, I see a record here where you telephoned to Locust 75100, police department at Philadelphia, one time. Do you know what that was for?

Mr. BOWERS. You will have to read further. I don't know. I can't recall.

Mr. RICE. You don't remember that?

Mr. BOWERS. No.

Mr. RICE. Do you know anyone in the police department up there?

Mr. BOWERS. I don't think I know anyone.

Mr. RICE. Did you ever call the police department of Philadelphia from Miami?

Mr. BOWERS. Not that I can recall.

Mr. RICE. Do you do any business in Philadelphia?

Mr. BOWERS. Never in my life.

Mr. RICE. Ever stay up there?

Mr. BOWERS. I stayed there 6 weeks waiting on you people to call me. I was in bed sick anyway, so it didn't make any difference.

Mr. RICE. Where were you waiting for us to call you?

Mr. BOWERS. The place I gave.

Mr. RICE. Where is that?

Mr. BOWERS. My lawyer's office. You said that you would get in touch with my lawyer if you wanted me within 72 hours, could he produce me, he said, "Yes," and I told you where I was staying, 1405 Westbury Apartments at the time.

Mr. RICE. What were you doing in Philadelphia?

Mr. BOWERS. I got married in Philadelphia.

Mr. RICE. That is the only reason you went there?

Mr. BOWERS. I wouldn't have any other business there.

Mr. RICE. Did calling the police department have anything to do with getting married?

Mr. BOWERS. I don't recall calling the police department, Mr. Rice. I don't know anybody connected with the police department.

Mr. RICE. Do you know Smoky Cerpysen?

Mr. BOWERS. He is from Daytona.

Mr. RICE. Do you know him?

Mr. BOWERS. I know him.

Mr. RICE. What business is he in?

Mr. BOWERS. I know him slightly.

Mr. RICE. What business is he in?

Mr. BOWERS. I wouldn't know. I know he has a liquor store, or had one.

Mr. RICE. Is he in the gambling business, too?

Mr. BOWERS. That I couldn't swear to.

Mr. RICE. Do you know Raymond Craig?

Mr. BOWERS. No.

Mr. RICE. Did you ever call him?

Mr. BOWERS. No.

Mr. RICE. Do you know him?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. Matty Tracy, West Palm Beach?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. How about John O'Rourke?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. Isn't John O'Rourke the man that was connected with Frank Erickson?

Mr. BOWERS. I don't know Frank Erickson.

Mr. RICE. You don't know Frank Erickson; sure about that?

Mr. BOWERS. I never saw the man in my life.

The CHAIRMAN. All right, let's go on.

Mr. RICE. Now, listen to this, reading from a statement made by George Patton, under oath, to the committee, sometime back, which concerns you, He says:

Soon after meeting Friedlander, I was called by Ben Cohen, attorney for the S. & G. gambling syndicate on Miami Beach. At Cohen's request, I went to his office. This was on a Saturday afternoon. Cohen told me that he had been observing me and thought I was a pretty smart boy. He said that attempts were going to be made to get me placed on the sheriff's gambling squad and that he wanted me to become in the sheriff's office what Pat Perdue was to them in the Miami Beach police department.

Cohen then said he wanted me to meet the "head man," and then made a phone call. In about a minute or so after the call, Harry Russell came in. I didn't know Russell and had never seen him before. Then Cohen introduced me to Harry Russell and then went to his outer office. Russell and I then had a private conversation in Attorney Ben Cohen's private office.

Russell remarked that I had helped a friend of his to accomplish something and therefore he, Russell, felt that I was a capable man. I feel sure he meant

Crosby, although he didn't say so. He, too, said he was going to try to have me put on the gambling squad. He instructed me to be careful in my actions and to "be as smart as Pat Perdue is." He said, "Not one gambler gives Pat anything because we take good care of him." Pat Perdue is an officer of the Miami Beach police department. Russell told me that whatever I had taken up to then in graft from gamblers was all right, but said that from now on, "We don't want you to take anything from anybody—only when we give it to you."

When I was leaving Cohen's office after the talk with Harry Russell, then Cohen said to me that if I listened to them, meaning Russell and him, that I'd "be a very smart boy and have a lot to gain."

Up to the meeting with Russell and Ben Cohen, actually I had received very little in the way of graft payments. Some of the other deputies had given me small "cuts" on an occasion or two.

Several weeks after meeting with Russell and Ben Cohen, I was telephoned at my home on a Sunday morning by Leo Levinson, who said that a meeting was being held immediately at the beach and that they wanted me to be present. I met Levinson and went with him to Harry Russell's house at 4415 Post Avenue, Miami Beach. Present at the meeting were Harry Russell, Jack Friedlander, George Bowers, and me. It was made clear at this meeting that there was a dispute among the gamblers as to whom they wanted put in charge of the sheriff's gambling squad, and it was also clear that these men expected whoever was in charge of the gambling squad to take orders from me.

Then they discussed who should work with me on the gambling squad and asked for suggestions from me. I didn't have any preferences and said so. At this point, Bowers spoke up that no matter what happened or who was appointed "you are the man we want to deal with."

Mr. BOWERS. What is that? Read that last line again.

Mr. RICE. Yes.

They then discussed who should work with me on the gambling squad and asked for suggestions from me. I didn't have any preferences and said so. At this point, Bowers spoke up that no matter what happened or who was appointed "you are the man we want to deal with."

Mr. BOWERS. He is a liar. I never was in the presence of him, Jack Friedlander, or Harry Russell, in my life.

Mr. RICE. Do you know Patton?

Mr. BOWERS. I don't even know him.

Mr. RICE. You don't know him?

Mr. BOWERS. No. Wouldn't know him if he walked in this door.

Mr. RICE. Do you know Friedlander?

Mr. BOWERS. I refuse to answer that question.

Mr. RICE. Do you know Harry Russell?

Mr. BOWERS. You asked me that 18 times. I refuse to answer that.

Mr. RICE. Let's get to the bottom of this. How come Patton to have this sort of information, how come Patton had this information about what you said?

Mr. BOWERS. You will have to ask him. The county solicitor called him the biggest liar that ever walked. That is what I go by. I think he is, too, if he said that about me.

Mr. RICE. Patton gave a pretty good description of you.

Mr. BOWERS. He could know me. A lot of people might know me and I wouldn't know them.

Mr. RICE. So we have another one of those "Chambers-Alger Hiss" deals?

Mr. BOWERS. Sir?

Mr. RICE. Whittaker Chambers and Alger Hiss. Do you know about them?

Mr. BOWERS. I read it in the paper.

Mr. RICE. Here is a man that knows a man and the other doesn't know him back; is that right?

Mr. BOWERS. I am not mixed up with those Communists. I don't know anything about them.

Mr. RICE. Patton knows you, knows Friedlander, and Russell—

Mr. BOWERS. I didn't say that. I said I didn't know Patton.

Mr. RICE. You don't know Patton?

Mr. BOWERS. No.

Mr. RICE. Now, then, Patton goes on to talk about Bowers and he said Bowers talked a little bit about Tallahassee and Jacksonville interests and:

He made several references to these places but mentioned no names. He also remarked that setting up the fix in Dade County was pretty easy. He said he had to take care of a couple of hundred people.

Mr. BOWERS. He has got me mixed up with somebody else.

Mr. RICE. You are just not the man?

Mr. BOWERS. How is that?

Mr. RICE. You are just not the man?

Mr. BOWERS. I am not the man.

Mr. RICE. Do you deny you ever were a "fix man"?

Mr. BOWERS. Positively.

Mr. RICE. Now then, Patton went on to tell about the time, around December 1949, when there was a raid on a horse book at 139 Lindsey Court, Hialeah. He says:

While we were in the process of making this raid Leon Bishop came in the room, Col. Leon Bishop, of Governor Warren's staff. Bishop recently was arrested in another county for operating a gambling joint. Bishop asked me—

meaning Patton—

at the time if I knew what I was doing and I assured him that I did. Bishop asked me if I minded if he made a phone call to a friend. Bishop made a phone call and approximately 5 minutes later the telephone rang. I was called to the phone. The caller identified himself as George Bowers, to whom I have previously referred. Bowers told me to pack up and get the hell out of there immediately as this man Bishop was a close friend of Governor Warren.

Bowers went on to say that the Governor was supposed to be very angry that this raid had been pulled.

Have you anything to say about that?

Mr. BOWERS. He tells that he knows it was me that called him over the telephone?

Mr. RICE. A man who said he was George Bowers called December 1949.

Mr. BOWERS. There is 300,000 people who could have called and said they were George Bowers.

Mr. RICE. You say you don't know about it; you say you didn't do it?

Mr. BOWERS. I didn't do it.

Mr. RICE. It is interesting to note that in December 1949 we have a number of calls.

Mr. BOWERS. I never talked to Patton in my life and knowing it was Patton. I don't remember ever seeing Patton. I wouldn't know him if he walked in that door.

Mr. RICE. Do you know anybody called the general?

Mr. BOWERS. Not that I recall.

Mr. RICE. Do you know a Bishop, Leon Bishop?

Mr. BOWERS. I don't know Leon Bishop.

Mr. RICE. I noticed during December, when this happened, you called Crosby and Johnston a number of times. Did that have any connection?

Mr. BOWERS. I refuse to answer that.

The CHAIRMAN. Let's go along.

Mr. RICE. Now, then, did you have an interest in the Kroger Co.?

Mr. BOWERS. I did have an interest. I had \$2,500 worth of stock.

Mr. RICE. \$2,500—

Mr. BOWERS. Sold it and paid my income tax.

Mr. RICE. What year was that?

Mr. BOWERS. I couldn't swear to the year. I know I got a receipt on my income tax to show where I paid with the profit I made on the Kroger stock. I bought, I think, 100 shares.

Mr. RICE. You paid \$2,500 for the stock?

Mr. BOWERS. No. I don't know what it was. Anyway, my income tax will show it. I can't recall the exact figure. I remember positively I sold the stock. What year it was I can't recall.

Mr. RICE. You paid \$2,500 for it?

Mr. BOWERS. I bought 100 shares. I don't think I paid that much for it. I might have got that for it. I know I made some money on it. I made, if I am not mistaken, I think I made \$250 on it.

Mr. RICE. You sold it for \$2,500?

Mr. BOWERS. My income tax will show.

Mr. RICE. Where did the money come from with which you bought that stock?

Mr. BOWERS. Came from my pocket, money that I had made.

Mr. RICE. I beg your pardon?

Mr. BOWERS. Came from my pocket, money I had made and saved.

Mr. RICE. What business did you make it in?

Mr. BOWERS. Refuse to answer that.

Mr. RICE. Did you pay a tax on it?

Mr. BOWERS. I paid tax on every quarter I made in my life. That is the reason I don't have much.

Mr. RICE. Before we leave George Patton, he is sometimes known by the name of Petemezas. Do you know him by that name?

Mr. BOWERS. No, sir. I would have to see Patton. I don't know, even, what he looks like right now.

Mr. RICE. Would you like to look at his testimony?

Mr. BOWERS. I swear I don't know him.

Mr. RICE. Do you think that if you saw him you might know him?

Mr. BOWERS. I don't know.

Mr. RICE. Do you know any deputy sheriffs at all in Dade County?

Mr. BOWERS. I probably know deputy—deputy sheriffs?

Mr. RICE. Yes.

Mr. BOWERS. I probably know everybody that has been on the police department with the sheriff's office way back but here lately I don't know nobody.

Mr. RICE. Do you know Jimmy Sullivan?

Mr. BOWERS. Never met him.

Mr. RICE. Do you know any of his deputies?

Mr. BOWERS. I know some of them.

Mr. RICE. Who were they?

Mr. BOWERS. Burke was one.

Mr. RICE. Burke?

Mr. BOWERS. Burke.

Mr. RICE. Tom Burke?

Mr. BOWERS. Yes. I knew him. I met him in 1926 on the beach. That was before he was ever a deputy. That is how I come to know him. And maybe the rest by sight. I don't know them by name.

Mr. RICE. Do you have a sister?

Mr. BOWERS. Do I have a sister? Yes, I do.

Mr. RICE. What is her name?

Mr. BOWERS. Virginia.

Mr. RICE. Virginia what?

Mr. BOWERS. Virginia Bowers. She has been married. I haven't seen her in, oh, I would say 12 years. I don't know whether—I don't know where she is—I don't know if she is married now or not, I know she was.

Mr. RICE. You don't know how to get in touch with her?

Mr. BOWERS. No.

Mr. RICE. Where was she when you last were in touch?

Mr. BOWERS. Chicago.

Mr. RICE. Do you have any other sisters?

Mr. BOWERS. All my sisters are dead.

Mr. RICE. Do you have a safe-deposit box?

Mr. BOWERS. I have one, yes, I do.

Mr. RICE. Where is that?

Mr. BOWERS. In the First Trust Building, back of the First National Bank, on Flagler Street.

Mr. RICE. What name is that in?

Mr. BOWERS. It is in George Bowers and Foster Bowers.

Mr. RICE. A joint box with you and your brother?

Mr. BOWERS. Yes.

Mr. RICE. Do you have any other boxes?

Mr. BOWERS. No.

Mr. RICE. Do you have one in Chicago?

Mr. BOWERS. No.

Mr. RICE. Have a joint box with anyone in Chicago?

Mr. BOWERS. I did at one time.

Mr. RICE. Who was that?

Mr. BOWERS. My mother, before she died. She has been dead 12 or 13 years.

Mr. RICE. What was the reason for those boxes?

Mr. BOWERS. Well, I kept cash in it, whatever papers I had, cash, I always kept it in the box.

Mr. RICE. How much cash did you keep in the box?

Mr. BOWERS. You mean what is the most I ever had in there?

Mr. RICE. Yes.

Mr. BOWERS. Oh, I would say I have had as much as twelve or fifteen thousand.

Mr. RICE. Cash?

Mr. BOWERS. Cash.

Mr. RICE. Where did that come from?

Mr. BOWERS. It come from my savings, by brother's savings, my mother's savings.

Mr. RICE. What did you save this money from?

Mr. BOWERS. I refuse to answer that; but I did pay tax on it.

Mr. RICE. How come you put it in a safe-deposit box instead of an account?

Mr. BOWERS. There is no difference.

Mr. RICE. One pays interest.

Mr. BOWERS. Savings does, but then, if you need your money real fast, I want to get it, I don't want to have to get it out of savings, I want to go to the box and get it.

Mr. RICE. Not fast enough to get it out of the savings account?

Mr. BOWERS. People having their money in a box during the depression did not lose any, and people that had their money in the banks lost all their money.

Mr. RICE. You don't trust banks either?

Mr. BOWERS. I trust banks when I got money enough to have a checking account, but I generally pay off in cash.

Mr. RICE. What assets do you have, Mr. Bowers, besides your interest in the Sunny Isles and Little Palm and house?

Mr. BOWERS. I have a 20-percent interest—it is a building at 115th Street and Biscayne Boulevard—

Mr. RICE. Isn't that the 115 Club?

Mr. BOWERS. 115; right.

Mr. RICE. What interest do you have in that?

Mr. BOWERS. Twenty percent.

Mr. RICE. Who has the other interest?

Mr. BOWERS. The same partners that is in the Little Palm.

Mr. RICE. That is Freedman—

Mr. BOWERS. No; you are talking about the beach crowd.

Mr. RICE. Tell me who they are.

Mr. BOWERS. I don't know them all.

Mr. RICE. I am getting mixed up.

Mr. BOWERS. When you get mixed up, Mr. Rice, I would like to be in with it.

Mr. RICE. Beg pardon?

Mr. BOWERS. You asked me the partners in the Little—

Mr. RICE. 115 Club.

Mr. BOWERS. The same as in the Little Palm, myself, Jack Solomon—

Mr. RICE. Do you know Charley Wall, up in Tampa?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. Have you ever had any enterprise with Charley Wall?

Mr. BOWERS. I refuse to answer.

Mr. RICE. Did you ever do any business with Charley Wall?

Mr. BOWERS. I refuse to answer that.

Mr. RICE. You say you refuse to answer whether you even know him or not?

Mr. BOWERS. I know him.

Mr. RICE. What is he?

Mr. BOWERS. I don't know what he is.

Mr. RICE. What do you know about him?

Mr. BOWERS. I don't know anything except what I read in the paper about him.

Mr. RICE. Did you read where they tried to shoot him five times?

Mr. BOWERS. I read that they—the last time you people had him in Tampa he testified being shot at—I don't know how many times.

Mr. RICE. That was the first time you knew that?

Mr. BOWERS. I knew he had been shot at; I read it in the paper, I think, in 1938, that he had been shot at.

Mr. RICE. Did he have any interest in your enterprises in Miami or Miami Beach?

Mr. BOWERS. Not me.

Mr. RICE. Did he—

Mr. BOWERS. Except—wait a minute—except if he had an interest in the Old Royal Palm, during 1939 or 1940, I don't know, but I did—1941. I don't know what year it was.

Mr. RICE. Possibly he did?

Mr. BOWERS. I don't know.

Mr. RICE. That is the only thing that you had in common with him?

Mr. BOWERS. I don't know if he did or not.

Mr. RICE. Do you have any business in Tampa or Orlando?

Mr. BOWERS. Never, positively not.

Mr. RICE. Have any business interests on the west coast of Florida?

Mr. BOWERS. Never in my life.

Mr. RICE. Do you have any bank accounts?

Mr. BOWERS. I don't have a quarter in the bank; I don't have a quarter in the bank; not in a box or no other way.

The CHAIRMAN. All right, anything else?

Mr. RICE. Do you have a safe in your home?

Mr. BOWERS. It was robbed this summer, but I never did keep any money in it, a little small tin safe. For a while I thought it was you people. After I found out my whisky and clothes were gone, then I knew it wasn't you all.

Mr. RICE. What was taken from the tin box?

Mr. BOWERS. Well, the insurance papers, my receipts, things like that, no money at all. I had a suit of clothes in the closet with every receipt, income-tax notation of what I have ever paid the Government, in the lining of the suit, inside of the lining of the suit, and that suit was taken.

Mr. RICE. Did you report this to the police?

Mr. BOWERS. Yes.

Mr. RICE. Who did you report it to?

Mr. BOWERS. Just called the police station and reported it. I didn't report it until I got back. At the time I didn't know what was gone. The girl that was looking out after—I reported it.

Mr. RICE. What is your financial position now as respects ready cash?

Mr. BOWERS. Ready cash, I don't have any.

Mr. RICE. You don't have any ready cash? How long has that been going on?

Mr. BOWERS. Well, I could possibly raise money.

Mr. RICE. You could possibly raise money?

Mr. BOWERS. Yes.

Mr. RICE. How long have you been out of ready cash?

Mr. BOWERS. Well, the last—you mean without a quarter? I mean, I haven't had any what you call money for some length of time.

Mr. RICE. How long?

Mr. BOWERS. Several months.

Mr. RICE. Several months?

Mr. BOWERS. Right.

Mr. RICE. What happened several months ago to cause you to get out of money?

Mr. BOWERS. I spent it; doctors got a lot of my money; I have been paying on my house; paying on my car.

The CHAIRMAN. Anything else? Let's finish with this witness.

Mr. RICE. Now, you were ill back in—what, December?

Mr. BOWERS. I have been sick for a long time.

Mr. RICE. Going back to last winter and last spring, what was your financial condition?

Mr. BOWERS. Well, I had borrowed \$15,000 and I had seven or eight cash.

Mr. RICE. That is, you had seven or eight cash?

Mr. BOWERS. Yes.

Mr. RICE. Thousand?

Mr. BOWERS. Yes.

Mr. RICE. Did you file an income-tax return in 1949?

Mr. BOWERS. If I didn't the auditor did, but I didn't do anything in 1949.

Mr. RICE. You didn't do anything in 1949?

Mr. BOWERS. No.

Mr. RICE. When was the—

Mr. BOWERS. At least I didn't make any money.

Mr. RICE. You didn't make any money.

Mr. BOWERS. I think we filed a loss.

Mr. RICE. I see a wire here where you are buying some tickets up in New York. What was that in connection with?

Mr. BOWERS. What kind of tickets?

Mr. RICE. Sherman Billingsley at the Stork Club received your wire:

Will have friends drop by for tickets. Thank you. Will take care of our friends. Thanks again.

GEORGE.

Mr. BOWERS. That was some people from Canada that asked me to get them some tickets to the Damon Runyon South Pacific and at the time they were selling for \$250 apiece plus the \$6 or \$7 for the ticket; the charity got the \$250.

Mr. RICE. Yes.

Mr. BOWERS. And some people called me and asked if I could get them.

Mr. RICE. Yes.

Mr. BOWERS. And I called, or wired, I don't know, Sherman Billingsley, and somehow or other I got the tickets.

Mr. RICE. Why did you wire Sherman Billingsley?

Mr. BOWERS. Because I know him.

Mr. RICE. You know him?

Mr. BOWERS. Yes.

Mr. RICE. Do any business with him?

Mr. BOWERS. I have been in his place to eat and drink.

Mr. RICE. Has he been in your place?

Mr. BOWERS. Right.

Mr. RICE. Which one?

Mr. BOWERS. Little Palm.

Mr. RICE. Sunny Island?

Mr. BOWERS. I don't know if he was in there or not.

The CHAIRMAN. Anyway, when you didn't have much money you could still buy tickets, go to New York?

Mr. BOWERS. That wasn't—you see, that was for somebody else. I didn't say I had always been broke. Sometimes I got money; sometimes I ain't.

The CHAIRMAN. All right. That is all, Mr. Bowers. You will remain under subpoena. We will have to do something about you not answering these questions.

Mr. BOWERS. All right, sir.

The CHAIRMAN. Is Mr. Friedlander here?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. Do you solemnly swear that the testimony you will give to the committee will be the truth, the whole truth, and nothing but the truth?

Mr. FRIEDLANDER. Yes.

TESTIMONY OF JOSEPH FRIEDLANDER, MIAMI BEACH, FLA., ACCOMPANIED BY HERMAN E. KOHEN, ATTORNEY, MIAMI BEACH, FLA.

The CHAIRMAN. What is your name, sir?

Mr. KOHEN. Mr. Chairman, my name is Herman E. Kohen. I am an attorney, representing Mr. Friedlander.

I would like the privilege of making—

The CHAIRMAN. Where are you from?

Mr. KOHEN. Miami Beach, sir.

The CHAIRMAN. You are an attorney of law in the State of Florida, Miami?

Mr. KOHEN. Yes.

The CHAIRMAN. All right, Mr. Kohen; you may make any statement you wish.

Mr. KOHEN. I would like to make this observation to the committee.

Mr. Friedlander now stands indicted in Dade County, Fla., on 3 separate indictments constituting 20 to 23 separate and distinct counts; each count in the indictments is amenable to separate and distinct punishment. To these indictments and to each and every count Mr. Friedlander has entered a plea of not guilty.

The presumption of innocence rests and abides with this witness before this committee. We intend to fight each and every indictment and each and every count in these indictments. We intend to prove our innocence on all charges and all counts.

In addition to that, and as an outgrowth of these indictments, and as a complement to these indictments, the Treasury Department now is making an exhaustive search, an exhaustive examination of all the moneys, all the accounts, and of all the income-tax returns of this witness.

I respectfully importune this committee not to ask Mr. Friedlander any questions the answers to which might incriminate and/or degrade him.

In the Blaw case Mr. Justice Black, the Justice who wrote the opinion, said it doesn't make any difference whether the answer to a question is incriminating or not; however, if you forge a link in a chain of evidence which a prosecutor may prosecute on, the witness is entitled to the protection of the fifth amendment of the Constitution of the United States.

The CHAIRMAN. Mr. Kohen, we are familiar with the Blaw case.

Now, to get the matter a little better understood, are you representing Mr. Friedlander in this income-tax investigation; do you know of that of your own knowledge?

Mr. KOHEN. I know that from knowledge imparted to me by my client.

The CHAIRMAN. There is no income tax indictment pending, is there?

Mr. KOHEN. Well, this committee—

The CHAIRMAN. In other words, your client tells you that there is an investigation going on as to his income tax?

Mr. KOHEN. If I may further elaborate, Mr. Chairman, please—

The CHAIRMAN. Yes.

Mr. KOHEN. The books and records of the various interests of Mr. Friedlander were seized and are now in the hands of this committee, and as a result of the seizure of these records there have been indictments and counts in Dade County, Fla., and now the Government is investigating whether the accounts and income tax returns are correct or not.

The CHAIRMAN. Let's get this straight, Mr. Kohen. Any books or records that we have were brought in under subpoena. We seized no books and no records.

Mr. KOHEN. Of course, that is a matter of legal determination to be settled in the cases pending before the courts in Dade County.

The CHAIRMAN. Now, another thing, Mr. Kohen: Of course, you are familiar with the Hitchcock decision, in which the Supreme Court has held that State matters don't make for any privilege in a Federal inquiry. You understand that, of course.

Mr. KOHEN. I have made an exhaustive study of that. The personnel of the Supreme Court has changed and they have changed their opinions on a lot of matters in the last 10 years.

The CHAIRMAN. Anyway, you understand that to be the present opinion of the Supreme Court.

Mr. Friedlander, although we are not legally bound to give you a privilege on a State matter, and you are not entitled to have any under the present decisions of the Supreme Court, I would feel inclined to be rather lenient and try to protect you insofar as any questions were concerned if this weren't the situation: that we have been trying to find you for a long, long time—long before any indictments were ever brought.

Last July we had a subpoena out for you down in Florida, Miami, and tried very hard to serve it. Your name was in the paper, it was fully announced that we had information that you were down in the Keys, that you had left to avoid service of the subpoena. At that time you were not under any indictment. Why was it so difficult to get in touch with you?

Mr. FRIEDLANDER. I had left before I knew there was a subpoena for me. I hadn't been feeling well. I went to the west coast and then

while there I read that all our records had been subpoenaed and I was a little confused by it. I didn't know what would result from our records being seized. But I came right back.

The CHAIRMAN. Mr. Costar was your accountant. He was subpoenaed to bring in certain records that he had. They were brought in under subpoena by Mr. Costar. The thing is you knew we were looking for you all along in the beginning of last July. Mr. Mills—a very competent member of our staff from Florida—was on the lookout for you for a long, long time and couldn't get any information about where you were. He was informed that first you were at one place and then another. It was only very recently that you were able to serve Mr. Friedlander; wasn't it?

Mr. MILLS. Yes.

The CHAIRMAN. Suppose we ask Mr. Mills: What effort did you make to try to find Mr. Friedlander?

Mr. MILLS. Mr. Friedlander, I was at your house several times between July—July 13, I believe it was—up to the time that I served you with a subpoena, which, as you remember, was several months later.

I talked with people in the neighborhood and it appeared that Mr. Friedlander had been in and out, apparently at nighttime, but most of the time he was not there; I was never able to find him, nor to get any line on where he was. I finally saw him slipping into his home and I knew he was there and I went up and served a subpoena. I was admitted to the house but when they found out who I was the folks at first denied that he was there. Finally he came down and accepted the subpoena.

The CHAIRMAN. When was that?

Mr. MILLS. Do you remember the date, Mr. Friedlander?

Mr. FRIEDLANDER. No. I don't. I imagine it was the early part of September.

Mr. MILLS. I think that is about right because you were getting ready to go to the World Series.

The CHAIRMAN. That is the difficulty we are in, Mr. Kohen.

Mr. KOHEN. Mr. Chairman, I don't know whether anybody relishes being subpoenaed by this committee, with the attending publicity that we have had, especially in Daytona. I am not going to paint Mr. Friedlander as an angelic person. We will stand on our constitutional right. I don't know whether he purposely stayed away from home not to be subpoenaed but I do know this, that he always knew that he would be subpoenaed; he has a home and family, and when he was subpoenaed we waited on this committee to tell us whether to go to Tampa or not. That was back in September.

So if he was gone for several weeks, long before he was subpoenaed, I think he had a right to do so.

The CHAIRMAN. Well, we tried to get him from the 1st of July—tried to locate him until the 27th of September.

Mr. KOHEN. It was sometime in September; that is so.

The CHAIRMAN. Well, I will instruct counsel not to ask Mr. Friedlander any questions—let me ask you first: Is your income tax under investigation?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. Any questions which might incriminate him from an income tax evasion standpoint. As far as the State case is concerned—

Mr. KOHEN. I would like to have this in the record, if the Chairman please, that the investigation on the income tax is a direct outgrowth of the indictments in Dade County.

The CHAIRMAN. I don't know that that is true, Mr. Kohen. I suppose the intelligent servants of the Treasury Department make investigations as to what income people have, and if they haven't filed returns showing that income, they make investigations, as they should do.

But anyway, as to matters of income, we won't go into them recent enough so that they might have a bearing or connection with any income-tax matter.

Mr. KOHEN. May I make one more request of the committee? Both Mr. Friedlander and myself are booked for passage on the 8 o'clock plane back home, and it is imperative that I get there tomorrow morning. I don't know how Mr. Friedlander may be situated. May we finish with Mr. Friedlander today, sir?

The CHAIRMAN. We will try to finish with him.

Mr. KOHEN. Thank you.

The CHAIRMAN. All right, Mr. Rice.

Mr. RICE. Where were you born, Mr. Friedlander?

Mr. FRIEDLANDER. Russia.

Mr. RICE. Russia?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What year?

Mr. FRIEDLANDER. Fifty years ago.

Mr. RICE. What date?

Mr. FRIEDLANDER. January 12.

Mr. RICE. January 12; what year?

Mr. FRIEDLANDER. It would be 1901.

Mr. RICE. When did you come to this country?

Mr. FRIEDLANDER. Eight years later.

Mr. RICE. And are you a citizen?

Mr. FRIEDLANDER. Yes.

Mr. RICE. When and where were you naturalized?

Mr. FRIEDLANDER. I was naturalized in Newark, N. J., but I can't remember the date.

Mr. RICE. You don't know what year—approximately what year?

Mr. FRIEDLANDER. I haven't the slightest idea.

Mr. RICE, may I correct one thing?

Mr. RICE. Yes.

Mr. FRIEDLANDER. In Russia, 50 years ago, they didn't have birth certificates. My date of birth could be wrong.

Mr. RICE. You have it on information and belief?

Mr. FRIEDLANDER. That is right. I could be a year younger or a year older.

Mr. RICE. I was asking what year you were naturalized in Newark.

Mr. FRIEDLANDER. I have my papers back home.

Mr. RICE. Did you live in Newark for a while?

Mr. FRIEDLANDER. Yes, sir; I did.

Mr. RICE. How long was that?

Mr. FRIEDLANDER. Up until about 12 years ago.

Mr. RICE. About 12 years ago?

Mr. FRIEDLANDER. Yes.

Mr. RICE. And were you in business in Newark?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What business were you in up there?

Mr. FRIEDLANDER. Well, I would have to stand on my constitutional rights.

Mr. RICE. About what you were doing 12 years ago?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. You will be directed to answer what business you were in, in Newark.

Mr. FRIEDLANDER. I had a little speakeasy about 20 years ago.

Mr. RICE. Twenty years ago you had a little speakeasy. That was during prohibition.

Mr. FRIEDLANDER. Yes.

Mr. RICE. And after prohibition went out, what business were you in?

Mr. FRIEDLANDER. I was in the lottery business.

Mr. RICE. Talking about numbers or policy?

Mr. FRIEDLANDER. Numbers.

Mr. RICE. You operated out of Newark?

Mr. FRIEDLANDER. Yes.

Mr. RICE. And what were you; a banker or bookie; what were you doing?

Mr. FRIEDLANDER. Banker.

Mr. RICE. You were the banker?

Mr. FRIEDLANDER. Banker.

Mr. RICE. And the same type of operation you have now, three numbers, 600 to 1?

Mr. FRIEDLANDER. Yes.

Mr. RICE. How long were you engaged in this business?

Mr. FRIEDLANDER. About 5 or 6 years.

Mr. RICE. Did you take any raps?

Mr. FRIEDLANDER. I believe I was arrested once.

Mr. RICE. Did you pay a fine?

Mr. FRIEDLANDER. Yes.

Mr. RICE. That is the only time you were arrested?

Mr. FRIEDLANDER. Yes.

Mr. RICE. You are sure about that?

Mr. FRIEDLANDER. I could be.

The CHAIRMAN. Was that in 1931—was that in March 1931?

Mr. FRIEDLANDER. I think I was arrested 20—25 years ago.

Mr. RICE. As a matter of fact, that was in Passaic, N. J.?

Mr. FRIEDLANDER. No. I was arrested in Passaic, too, yes.

Mr. RICE. What was that for?

Mr. FRIEDLANDER. That was for numbers.

Mr. RICE. That was numbers. So, you operated in Passaic and Newark?

Mr. FRIEDLANDER. That is correct.

Mr. RICE. Now, were those the only two raps you had?

Mr. FRIEDLANDER. For numbers?

Mr. RICE. For anything.

Mr. FRIEDLANDER. I have been arrested for vagrancy.

Mr. RICE. You have been arrested for vagrancy?

Mr. FRIEDLANDER. Yes.

Mr. RICE. When and where was that?

Mr. FRIEDLANDER. Florida, twice, three times.

Mr. RICE. And you went there about 12 years ago, you said?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Are those the only raps you have had in Florida?

Mr. FRIEDLANDER. In Florida—well, I am under indictment, if you call that arrest.

Mr. RICE. Then you were arrested in Newark, in Passaic, three times in Florida for vagrancy?

Mr. FRIEDLANDER. It may have been three?

Mr. RICE. It may have been three?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Now, then, were you ever arrested for black-marketing?

Mr. FRIEDLANDER. Yes; United States Government. You are right.

Mr. RICE. Did you forget that?

Mr. FRIEDLANDER. I forgot about it.

Mr. RICE. It wasn't too long ago?

Mr. FRIEDLANDER. That was about 10 years ago, I think; I don't know.

Mr. RICE. The record I have says you were fingerprinted June 28, 1947, Joseph Friedlander—I beg your pardon—July 23, 1945, as Jack Friedlander, by the United States marshal, Miami, on the charge of black-market liquor conspiracy.

Mr. FRIEDLANDER. That is correct.

Mr. RICE. What happened on that?

Mr. FRIEDLANDER. The case was nol prossed.

Mr. RICE. Nol prossed?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Were you ever arrested in regard to narcotics back in 1934 or 1935?

Mr. FRIEDLANDER. Never in my life.

Mr. RICE. How about an arrest for gambling in Florida, disorderly conduct?

Mr. FRIEDLANDER. I believe there was a gambling charge. Maybe instead of vagrancy, it was disorderly conduct; I don't know.

Mr. RICE. Maybe one of these vagrancies was, as a matter of fact, gambling?

Mr. FRIEDLANDER. Maybe.

Mr. RICE. In June 1947, you were fingerprinted by the Miami Police Department for investigation—gambling. What became of that? Did you pay a fine on that?

Mr. FRIEDLANDER. I think there was never a charge made.

Mr. RICE. Never a charge made?

Mr. FRIEDLANDER. No.

Mr. RICE. When you were in the numbers business up in Newark and Passaic, you acted as a banker, yourself, you say?

Mr. FRIEDLANDER. I had several partners.

Mr. RICE. Did you lay-off—you know what a lay-off is?

Mr. FRIEDLANDER. Yes.

Mr. RICE. You did not engage in any lay-off in that operation?

Mr. FRIEDLANDER. No.

Mr. RICE. It was all your own?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Were you in it as an individual or did you have associates?

Mr. FRIEDLANDER. I had some associates.

Mr. RICE. Who were some of those men? Longy Zwillman?

Mr. FRIEDLANDER. No—

Mr. RICE. Have you ever been in business with him?

Mr. FRIEDLANDER. No; I stand on my constitutional right.

Mr. RICE. Back in between 1930 and 1940, were you in business with Longy Zwillman?

Mr. FRIEDLANDER. I was never in business with him.

Mr. RICE. Did you have any transactions with him during that time?

Mr. FRIEDLANDER. I will have to stand on my constitutional right on the ground it might tend to incriminate or degrade me.

Mr. RICE. I didn't hear the last part.

Mr. FRIEDLANDER. Degrade.

Mr. RICE. So, you do know Longy Zwillman?

Mr. FRIEDLANDER. Yes; I do.

The CHAIRMAN. Let's put this prior to 1940. Let's say, back before 1940 were you in business with Zwillman, Longy Zwillman?

Mr. FRIEDLANDER. No, sir.

The CHAIRMAN. Did you have any transactions with him prior to that time?

Mr. FRIEDLANDER. Business transactions?

The CHAIRMAN. Yes.

Mr. FRIEDLANDER. No, sir.

The CHAIRMAN. What was it that you refused to answer now?

Mr. FRIEDLANDER. Well, I just want—

Mr. KOHEN. I think Mr. Rice asked who were partners with Mr. Friedlander.

Mr. RICE. What we are trying to get at is what transactions he had with Zwillman before 1940.

Mr. KOHEN. The answer was he did not have any transactions with Zwillman.

Mr. RICE. Business transactions.

Mr. KOHEN. That is right.

Mr. RICE. Did you have any—

Mr. FRIEDLANDER. He may have given me tickets to ball games or to fights.

Mr. RICE. Did you visit back and forth with him?

Mr. FRIEDLANDER. No.

Mr. RICE. He gave you a few tickets to fights?

Mr. FRIEDLANDER. Well, I would come up from Florida, and when I came up from Florida, if there was a fight in New York, I would stop by.

Mr. RICE. This is before you went to Florida.

Mr. FRIEDLANDER. You said 1940.

Mr. RICE. In the thirties.

Mr. FRIEDLANDER. Oh, in the thirties.

Mr. RICE. You knew him when you were in Jersey?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What did you do with him then; what transactions did you have?

Mr. FRIEDLANDER. None; nothing whatever.

Mr. RICE. You just knew him?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What made you know him?

Mr. FRIEDLANDER. Well, we grew up together.

The CHAIRMAN. Speak louder, please, Mr. Friedlander.

Mr. FRIEDLANDER. We grew up together in the same ward.

Mr. RICE. The same ward. You went around with him?

Mr. FRIEDLANDER. Well, I would not say that, but 35 years ago we used to go to a certain playground, to play basketball, stuff like that.

Mr. RICE. What business did Longy get into?

Mr. FRIEDLANDER. I don't think I should answer.

Mr. KOHEN. I don't see how——

Mr. RICE. Wait a minute. Let's see what the witness says.

Mr. KOHEN. How could that possibly affect this witness?

The CHAIRMAN. Just a minute.

Do you know of your own knowledge what business Mr. Zwillman was in?

Mr. FRIEDLANDER. What business he was in?

The CHAIRMAN. Yes.

Mr. FRIEDLANDER. I wouldn't know.

The CHAIRMAN. He doesn't know.

Mr. RICE. Well, now, did you hold a partnership in the numbers racket with Zwillman?

Mr. FRIEDLANDER. No, sir; I did not.

Mr. RICE. Do you know William Tippet?

Mr. FRIEDLANDER. Yes; I do.

Mr. RICE. Who is he?

Mr. FRIEDLANDER. I was associated with him about 12 years ago in a number business——about 12 years ago.

Mr. RICE. That was in Jersey?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Was Shoots, Bill Shoots——

Mr. FRIEDLANDER. Douglas Schultz.

Mr. RICE. Schultz, how do you spell that?

Mr. FRIEDLANDER. S-c-h-u-l-t-z.

Mr. RICE. What was his first name?

Mr. FRIEDLANDER. Douglas.

Mr. RICE. Now, wasn't Zwillman in that, too?

Mr. FRIEDLANDER. There was another Zwillman.

Mr. RICE. What Zwillman was that?

Mr. FRIEDLANDER. Daniel Zwillman.

Mr. RICE. What relation is he to Longy?

Mr. FRIEDLANDER. Might be a cousin, I am not sure; there is some relationship.

Mr. RICE. Did Longy have a piece of that, too?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. Well, did Longy have a piece of Daniel's?

Mr. FRIEDLANDER. I am quite sure he didn't.

Mr. RICE. Where is Longy now?

Mr. FRIEDLANDER. I haven't the slightest idea.

Mr. RICE. When did you see him last?

Mr. FRIEDLANDER. Maybe a year ago, or less.

Mr. RICE. A year ago.

Mr. FRIEDLANDER. Yes.

Mr. RICE. Fix it as close as you can when you last saw Longy?

Mr. FRIEDLANDER. I would say last summer.

Mr. RICE. The summer of 1950?

Mr. FRIEDLANDER. The fall of 1950.

Mr. RICE. Around world series time?

Mr. FRIEDLANDER. Around that time.

Mr. RICE. Did you see him at the world series?

Mr. FRIEDLANDER. No, I didn't.

Mr. RICE. Where was it that you saw him?

Mr. FRIEDLANDER. In Newark.

Mr. RICE. Whereabouts?

Mr. FRIEDLANDER. I went to the Public Service Tobacco Co.—

Mr. RICE. Yes.

Mr. FRIEDLANDER. Because I had some trouble getting tickets for the series; I knew they always had a few tickets laying around.

Mr. RICE. Public Service Tobacco Co. What is that?

Mr. FRIEDLANDER. That is a cigarette vending machine company.

Mr. RICE. Yes. Coin machine?

Mr. FRIEDLANDER. Yes, that distributes packages of cigarettes.

Mr. RICE. What happened there?

Mr. FRIEDLANDER. They did not have any tickets, and that was the end of it.

Mr. RICE. Did you see Longy?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Does he run that?

Mr. FRIEDLANDER. I believe he does; he was there.

Mr. RICE. What is the address of that company?

Mr. FRIEDLANDER. The address, it is Hillside, N. J., just outside of Newark.

Mr. RICE. Now, do you have any interests in Newark at this time?

Mr. FRIEDLANDER. No, I don't.

Mr. RICE. Who are the Diamond boys?

Mr. FRIEDLANDER. They are brother-in-laws.

Mr. RICE. Is that on your wife's side?

Mr. FRIEDLANDER. My wife's side.

Mr. RICE. What business are they in?

Mr. FRIEDLANDER. I don't think I want to answer that question.

Mr. RICE. You don't think you want to answer that. What are their names; what are the Diamond boys' names?

Mr. FRIEDLANDER. Morris, Max, and Irving.

Mr. RICE. Morris, Max, and Irving.

Mr. FRIEDLANDER. Yes.

Mr. RICE. And you say you don't want to answer what business they are in. Do you know what business they are in?

Mr. FRIEDLANDER. I am not sure, but I would rather not. I stand on my constitutional grounds and refuse to answer that question.

Mr. RICE. Aren't they in the gambling business?

The CHAIRMAN. Mr. Friedlander, when you left New Jersey, didn't you turn over your interest to your brother-in-laws?

Mr. FRIEDLANDER. No, sir; I did not.

The CHAIRMAN. Or sold to them?

Mr. FRIEDLANDER. No, sir; I didn't.

The CHAIRMAN. What did you do with your interests?

Mr. FRIEDLANDER. Just walked away.

The CHAIRMAN. Did they take over?

Mr. FRIEDLANDER. I believe my partners absorbed my interest.

Mr. RICE. Who are these other partners you are talking about?

Mr. FRIEDLANDER. We just mentioned Douglas Schultz.

Mr. RICE. How about Jerry Catena?

Mr. FRIEDLANDER. No partner of mine.

Mr. RICE. You know him?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What transactions have you had with Catena?

Mr. FRIEDLANDER. None.

Mr. RICE. Never had any transactions at all with Mr. Catena?

Mr. FRIEDLANDER. Not business transactions.

Mr. RICE. Any other transactions?

Mr. FRIEDLANDER. I may have borrowed some money from him.

Mr. RICE. Every pay anything off to him?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. What business is he in?

Mr. FRIEDLANDER. I don't know.

Mr. RICE. You don't know.

Mr. FRIEDLANDER. No.

Mr. RICE. Is he in the money-lending business?

Mr. FRIEDLANDER. I don't think so.

Mr. RICE. What was the reason for your borrowing money from him?

Mr. FRIEDLANDER. I ran out of money.

Mr. RICE. Why would he lend you money?

Mr. FRIEDLANDER. We have been friends for about 25 years.

Mr. RICE. You grew up with him?

Mr. FRIEDLANDER. Well, I won't say I grew up with him. I have known Catena for 25 years.

Mr. RICE. When you borrowed money from Jerry Catena, what security did you give?

Mr. FRIEDLANDER. None.

Mr. RICE. For what reason did you borrow money?

Mr. FRIEDLANDER. Because I needed money.

Mr. RICE. How much would you borrow?

Mr. FRIEDLANDER. A couple of thousand.

Mr. RICE. Ever go to Hot Springs with Catena?

Mr. FRIEDLANDER. No; I don't think so.

Mr. RICE. Ever been in Hot Springs?

Mr. FRIEDLANDER. I have been there.

Mr. RICE. Never been there with him?

Mr. FRIEDLANDER. Never been—I haven't gone with him; I may have met him there.

Mr. RICE. How about Frank Costello?

Mr. FRIEDLANDER. Never met the man; never met the man.

Mr. RICE. Is he a friend of Catena's?

Mr. FRIEDLANDER. I wouldn't know.

Mr. RICE. You wouldn't know?

Mr. FRIEDLANDER. I don't know.

Mr. RICE. Were you ever in Hot Springs when Catena and Costello were there?

Mr. FRIEDLANDER. I never met Mr. Costello in Hot Springs.

Mr. RICE. Did you telephone Catena on one occasion in Hot Springs?

Mr. FRIEDLANDER. I may have.

Mr. RICE. Wasn't Costello there with him?

Mr. FRIEDLANDER. I wouldn't know.

Mr. RICE. What did you talk about?

Mr. FRIEDLANDER. I couldn't remember.

Mr. RICE. Borrow money?

Mr. FRIEDLANDER. Could be.

Mr. RICE. Do you know where Zwillman lives?

Mr. FRIEDLANDER. Abner?

Mr. RICE. Yes.

Mr. FRIEDLANDER. It is one of the Oranges.

Mr. RICE. Hillside?

Mr. FRIEDLANDER. No.

Mr. RICE. Did you ever visit at 1464 North Broad Street, Hillside?

Mr. FRIEDLANDER. Would that be where the vending business is?

Mr. RICE. I think that is where Zwillman lives.

Mr. FRIEDLANDER. No, Abner Zwillman lives in one of the Oranges, one of the little towns.

Mr. RICE. What is the address 1464 North Broad Street?

Mr. FRIEDLANDER. I don't know.

Mr. RICE. You don't know.

Mr. FRIEDLANDER. Is that Newark or Hillside?

Mr. RICE. Hillside.

Mr. FRIEDLANDER. I don't know.

Mr. RICE. Can't remember?

Mr. FRIEDLANDER. It may have been some fellow that lives there by the name of Steinberg, who is a friend of mine way back; he visits in Florida with me, but I don't know if that is the address or not.

Mr. RICE. What business do you have with Steinberg?

Mr. FRIEDLANDER. None.

Mr. RICE. Just visits?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What is this Cool-Vent Awning?

Mr. FRIEDLANDER. I don't know anything about that.

Mr. RICE. You don't know.

Mr. FRIEDLANDER. No.

Mr. RICE. Haven't you ever been there?

Mr. FRIEDLANDER. No, not to my recollection. I may have been there once, but I am not certain of it.

Mr. RICE. Were you ever there with Catena?

Mr. FRIEDLANDER. I went to see Catena, because my brother-in-law wanted to get some awnings—

The CHAIRMAN. Will you speak a little louder, please?

Mr. FRIEDLANDER. My brother-in-law wanted to buy some awnings, and Mr. Catena had told me that he was in this awning thing, and I happened to be up North then, and told him to send his salesman up there to try to sell him.

Mr. RICE. As a matter of fact, you go up there about every 3 months, don't you, to Jersey?

Mr. FRIEDLANDER. I don't go up in the wintertime. I have three brothers-in-law up there; sister-in-law.

Mr. RICE. When you are up there you generally always see Zwillman and Catena?

Mr. FRIEDLANDER. Not all the time.

Mr. RICE. Pretty near all the time?

Mr. FRIEDLANDER. Sometimes.

Mr. RICE. Do you know Sam "Game-Boy" Miller?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What transactions have you had with Miller?

Mr. FRIEDLANDER. I stand on my constitutional right, refuse to answer.

Mr. RICE. What business is Miller in?

Mr. FRIEDLANDER. I don't know.

Mr. RICE. Where have you seen him?

Mr. FRIEDLANDER. Miami Beach.

Mr. RICE. Is that the only place?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Did you ever see him in Ohio?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. Where in Miami Beach have you seen Game-Boy Miller?

Mr. FRIEDLANDER. At his home.

Mr. RICE. Do you know whether or not he has a criminal record?

Mr. FRIEDLANDER. I wouldn't know.

Mr. RICE. Do you call him at his home?

Mr. FRIEDLANDER. Sometimes.

Mr. RICE. What was the purpose of your calls?

Mr. FRIEDLANDER. I stand on my constitutional right; refuse to answer.

The CHAIRMAN. I will direct you to answer that question.

Mr. KOHEN. I can clarify that, if the chairman please.

Mr. Miller and Mr. Friedlander conducted the Island Club. Anything in connection with his partners in the operation of the Island Club comes under the purview of the fifth amendment.

The CHAIRMAN. How long ago has it been since they conducted the Island Club?

Mr. KOHEN. Last year.

Mr. RICE. How about "Weeny" Grover; do you know him?

Mr. FRIEDLANDER. Yes, sir.

Mr. RICE. What business is he in?

Mr. FRIEDLANDER. Owns a restaurant.

Mr. RICE. Where?

Mr. FRIEDLANDER. Miami Beach.

Mr. RICE. Miami Beach. What is the name of that restaurant?

Mr. FRIEDLANDER. Park Avenue Restaurant.

Mr. RICE. Did you ever make a trip with Weeny?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. Did you go to Hot Springs with Weeny; and to Las Vegas?

Mr. FRIEDLANDER. I met him there.

Mr. RICE. Ever been to Las Vegas?

Mr. FRIEDLANDER. Yes; I met him there.

Mr. RICE. Where did you meet him?

Mr. FRIEDLANDER. Las Vegas.

Mr. RICE. Where?

Mr. FRIEDLANDER. At the Desert Inn.

Mr. RICE. What was the purpose of this meeting?

Mr. FRIEDLANDER. No purpose. He was stopping at another hotel.

I was stopping at the Desert Inn.

Mr. RICE. You just ran into him?

Mr. FRIEDLANDER. That is correct.

Mr. RICE. What did you go out there for?

Mr. FRIEDLANDER. I wasn't feeling too well.

Mr. RICE. When did you leave?

Mr. FRIEDLANDER. About the middle of July.

Mr. RICE. About the time when the subpoenas were getting around?

Mr. FRIEDLANDER. That would be correct.

Mr. RICE. You went to Las Vegas?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What did you do out there?

Mr. FRIEDLANDER. Nothing very serious; just what any other tourist would do.

Mr. RICE. Had you stopped off at Hot Springs on that trip?

Mr. FRIEDLANDER. No, sir; I did not.

Mr. RICE. What was Weeny doing out in Las Vegas?

Mr. FRIEDLANDER. I guess he was gambling; I don't know.

Mr. RICE. How about Eddie Rosenbloom; do you know him?

Mr. FRIEDLANDER. Eddie Rosenbaum, yes.

Mr. RICE. That is Eddie Rosenbaum.

Mr. FRIEDLANDER. Yes.

Mr. RICE. Eddie Rosenbaum. Have you engaged in any business with Eddie?

Mr. FRIEDLANDER. About five or six.

Mr. RICE. Five or six businesses?

Mr. FRIEDLANDER. Five or six years ago.

Mr. RICE. What was that.

Mr. FRIEDLANDER. I will have to stand on my constitutional grounds.

The CHAIRMAN. What was the name of the business, sir?

Mr. FRIEDLANDER. I really don't remember the name of the business.

Mr. RICE. Was it a restaurant?

Mr. FRIEDLANDER. No.

Mr. RICE. A horse book?

Mr. FRIEDLANDER. Might have been.

Mr. RICE. Might have been a horse book?

Mr. FRIEDLANDER. Yes.

Mr. RICE. How about Dimples Molinski?

Mr. FRIEDLANDER. What is the question?

Mr. RICE. Do you know him?

Mr. FRIEDLANDER. He's dead; I did know him.

Mr. RICE. You did know him?

Mr. FRIEDLANDER. Yes.

Mr. RICE. He is dead?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Were you in business with Mo Molinski?

Mr. FRIEDLANDER. I will have to stand on my constitutional grounds and refuse to answer the question.

Mr. KOHEN. Just a minute.

The CHAIRMAN. The only question we will ask you is whether you were in business with him, and the question will not be pursued further.

Mr. FRIEDLANDER. Yes.

Mr. KOHEN. The answer is "Yes."

Mr. RICE. Have you been in business with Ben Kutlow?

Mr. FRIEDLANDER. I have never been in business with him.

Mr. RICE. Do you know him?

Mr. FRIEDLANDER. Yes; I do.

Mr. RICE. How about Mike Cappola, sometimes called Trigger-Mike Cappola?

Mr. FRIEDLANDER. Yes; I do.

Mr. RICE. Have you had any transactions with him?

Mr. FRIEDLANDER. I will have to stand on my constitutional grounds and refuse to answer.

The CHAIRMAN. Is this the Cappola from New Orleans?

Mr. FRIEDLANDER. No; New York City.

Mr. RICE. Where is he now?

Mr. FRIEDLANDER. New York City.

Mr. RICE. Trigger-Mike is from Brooklyn?

Mr. FRIEDLANDER. Brooklyn is the same thing.

Mr. KOHEN. You are wrong on that, too; Harlem.

The question is, Prior to 1940, did you have any business transactions with Mike Cappola?

Mr. FRIEDLANDER. Prior to 1940?

The CHAIRMAN. Yes.

Mr. FRIEDLANDER. No, sir.

The CHAIRMAN. If you answer that you have had business transactions with Mike Cappola I will instruct counsel not to ask what the financial arrangements were; what the business was.

Have you had business transactions with Mike Cappola?

Mr. FRIEDLANDER. No.

The CHAIRMAN. Since 1940?

Mr. FRIEDLANDER. No, sir.

The CHAIRMAN. You have not?

Mr. FRIEDLANDER. No, sir.

The CHAIRMAN. All right. Why did you refuse to answer that a minute ago?

Mr. FRIEDLANDER. Because I had a room with a couple of telephones in it, and there was somebody else sitting in there; he sat there, too, but I never received any money from him; I only received from the other fellow.

The CHAIRMAN. You had a room with telephones in it?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. And what?

Mr. FRIEDLANDER. The people in there were paying for the privilege of using these phones to bet horses with; they were not booking, they were betting. It is difficult to get phones, or was difficult, and one fellow there was paying me. Of course, I don't want to go into that further. That is why I said what I said to Mr. Rice.

The CHAIRMAN. That was a room where?

Mr. FRIEDLANDER. In Miami.

The CHAIRMAN. You had a number of telephones all over town?

Mr. FRIEDLANDER. That is right; quite a few.

The CHAIRMAN. Other people would use them to call in bets?

Mr. FRIEDLANDER. That is correct.

The CHAIRMAN. In other words, horse booking?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. How many phones did you have?

Mr. FRIEDLANDER. I am sorry; I will have to stand on my constitutional grounds.

Mr. KOHEN. You can tell——

The CHAIRMAN. The number of telephones you had.

Mr. KOHEN. I am only fearful of an admission by this witness to be used against us in later prosecution now pending, because we are charged with various forms of gambling.

The CHAIRMAN. Mr. Kohlen, I think I should call your attention—and also Mr. Friedlander's attention—to the fact that there is a Federal statute, as you know, that no testimony that he gives here can be used against him in any proceeding, except perjury or contempt proceedings here. You are aware of that?

Mr. KOHEN. I am aware of that, but it does not work that way. Suppose we were asked in a later prosecution, "Did you at any time admit that you did so-and-so?" What are we going to say; that we didn't say it?

The CHAIRMAN. Then, you have a constitutional ground to refuse to answer whether he said so-and-so to this committee under the statute.

Mr. KOHEN. Well, I know that there are members of the fourth estate of our home town here, and I know it will be made use of later on.

The CHAIRMAN. It can't be used in court.

Mr. KOHEN. We have no objection to telling this committee what we have done.

The CHAIRMAN. Let me put it this way: You did have quite a number of telephones; is that true?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. Now, how did you get those telephones?

Mr. FRIEDLANDER. Well, some I bought from the fellows that had them before, and others I applied to the telephone company for, made application for four or five phones.

The CHAIRMAN. All in your name?

Mr. FRIEDLANDER. Some more in the names of, possibly, a printing company or vending company, or something like that.

The CHAIRMAN. All right. Is that the Uneeda Vending Co.?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. Go ahead, Mr. Rice.

Mr. RICE. You say you bought the physical handset from other people, the telephone company equipment?

Mr. FRIEDLANDER. The phones were already installed; probably were used by a previous, let's put it, bookmaker.

Mr. RICE. Yes.

Mr. FRIEDLANDER. And they sold me the phones.

Mr. RICE. The phones were already installed and operating?

Mr. FRIEDLANDER. That is right.

Mr. RICE. What did you buy?

Mr. FRIEDLANDER. The privilege of using the phone.

Mr. RICE. You bought the privilege of using the phone?

Mr. FRIEDLANDER. Yes.

Mr. RICE. It was actually the telephone company's instrument?

Mr. FRIEDLANDER. Yes; naturally.

Mr. RICE. When you obtained the privilege, you sold it to someone or sublet it?

Mr. FRIEDLANDER. That is correct.

Mr. RICE. Do you know Frank Nitti?

Mr. FRIEDLANDER. Never met him.

Mr. RICE. Do you know of him?

Mr. FRIEDLANDER. I have read about him.

Mr. RICE. Who was he?

Mr. FRIEDLANDER. A Chicago man.

Mr. RICE. Never met him?

Mr. FRIEDLANDER. No.

Mr. RICE. How about Charlie Fischetti?

Mr. FRIEDLANDER. I have met him.

Mr. RICE. Where did you meet him?

Mr. FRIEDLANDER. Well, I believe I met him in Miami Beach. I think he maintains a home there.

Mr. RICE. What business is Fischetti in?

The CHAIRMAN. Ask him if he had any business with him.

Mr. RICE. Have you had any business dealings with Fischetti?

Mr. FRIEDLANDER. No.

Mr. RICE. Do you know where he is now?

Mr. FRIEDLANDER. I haven't the slightest idea.

Mr. RICE. How about Frank Angersola, sometimes known as King?

Mr. KOHEN. I think you have the first name wrong, you mean Fred?

Mr. RICE. Fred Angersola.

Mr. FRIEDLANDER. I know Fred.

Mr. RICE. What business is he in?

Mr. FRIEDLANDER. I have no idea.

Mr. RICE. Have you had any transactions with him?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. How about his brothers, John and George?

Mr. FRIEDLANDER. I know George.

Mr. RICE. Have you had any business deals with him?

Mr. FRIEDLANDER. No.

Mr. RICE. Where are they from, if you know?

Mr. FRIEDLANDER. As far as I know, they are supposed to be from Ohio, but they all maintain homes in Miami Beach.

Mr. RICE. How about Lefty Clark, sometimes known as William H. Bishop; do you know him?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Have you had business with him?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. No transactions with him?

Mr. FRIEDLANDER. No.

Mr. RICE. Joe Massei, of Detroit, do you know him?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What transactions have you had with him?

Mr. FRIEDLANDER. None.

Mr. RICE. How about Sam Castellane; do you know him?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What business deals have you had with him?

Mr. FRIEDLANDER. Well, he acted as my chauffeur, and so on.

Mr. RICE. He is from New Jersey?

Mr. FRIEDLANDER. Yes; Newark.

Mr. RICE. Does he have a criminal record?

Mr. FRIEDLANDER. I wouldn't know.

Mr. RICE. He was a chauffeur for you?

Mr. FRIEDLANDER. Yes.

Mr. RICE. And handyman; is that right?

Mr. FRIEDLANDER. I would say he was my chauffeur.

Mr. RICE. Do you know Castellane by any other name?

Mr. FRIEDLANDER. Mess. M-e-s-s.

Mr. RICE. He used the name "Mess" sometimes?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What is "Mess"?

Mr. FRIEDLANDER. He has had that, I guess, ever since he was a kid, just "Mess", M-e-s-s.

Mr. RICE. How about Mushy Wexler; do you know him?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. Max Eler?

Mr. FRIEDLANDER. I know him.

Mr. RICE. Max Roman—same fellow.

Mr. FRIEDLANDER. Yes. Max Raymond. Max Raymond and Max Eler, one and the same.

Mr. RICE. What business is he in?

Mr. FRIEDLANDER. I don't know.

Mr. RICE. Any transactions with him?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. Are you sure about that?

Mr. FRIEDLANDER. Quite sure.

Mr. RICE. He has visited your house sometimes?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What was the reason for that?

Mr. FRIEDLANDER. He is a pretty sharp boy with the horses.

Mr. RICE. What has that to do with coming to your house?

Mr. FRIEDLANDER. He comes and gives me some tips.

Mr. RICE. Comes and gives you tips, because he is sharp?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What do you do with the tips?

Mr. FRIEDLANDER. Bet on them occasionally.

Mr. RICE. Bet on them?

Mr. FRIEDLANDER. Yes.

Mr. RICE. How do you bet on them?

Mr. FRIEDLANDER. How?

Mr. RICE. Yes; book or track?

Mr. FRIEDLANDER. Book.

Mr. RICE. Bet at the book?

Mr. FRIEDLANDER. Yes.

Mr. RICE. All right. Do you have any interest in the Frolic Club?

Mr. FRIEDLANDER. No.

Mr. RICE. Or did you have?

Mr. FRIEDLANDER. Yes; I did.

Mr. RICE. What was your interest there?

Mr. FRIEDLANDER. You mean the financial interest?

Mr. RICE. Did you have a piece of it?

Mr. FRIEDLANDER. Yes.

Mr. RICE. How much of a piece did you have?

Mr. FRIEDLANDER. I don't remember.

Mr. RICE. You don't remember?

Mr. FRIEDLANDER. I sold my end of it to the other parties immediately after the war.

Mr. RICE. Who did you sell to?

Mr. FRIEDLANDER. My former partners there, Thomas, Byer—

Mr. RICE. Charlie Thomas?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Who else?

Mr. FRIEDLANDER. Mr. Byer.

Mr. RICE. Mr. Dave Byer?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Who else?

Mr. FRIEDLANDER. Yarborough.

Mr. RICE. Is that what they called the Little Syndicate?

Mr. FRIEDLANDER. Could be.

Mr. RICE. Is that what you call them?

Mr. FRIEDLANDER. They have been called that.

Mr. RICE. Where are they now, the Tepee?

Mr. FRIEDLANDER. I don't know. I don't think there is anything doing up there.

Mr. RICE. Aren't you in the Tepee?

Mr. FRIEDLANDER. I used to be.

Mr. RICE. You are not any more?

Mr. FRIEDLANDER. Well, we are out of business.

Mr. RICE. You are out of business. How long have you been out of business?

Mr. FRIEDLANDER. Oh, I would say about a year.

Mr. RICE. What business was the Tepee in?

Mr. FRIEDLANDER. I refuse to answer.

Mr. RICE. I want to find out what business they are out of?

Mr. FRIEDLANDER. I will have to stand on my constitutional grounds.

Mr. RICE. The Tepee, when I was down there a month or so ago, was still open.

Mr. KOHEN. That is one of the subject matters of the indictment.

Mr. RICE. It is one of the things you don't discuss?

Mr. KOHEN. I believe that you wouldn't.

Mr. RICE. In any event, whatever this business was, it doesn't relate to eating and drinking in there; does it?

Mr. KOHEN. Whatever it is, it isn't.

The CHAIRMAN. All right; let's proceed.

Mr. RICE. Have you now or ever had an interest in the Royal Palm Casino, or the Royal Palm?

Mr. KOHEN. Will you set a date, Mr. Rice?

Mr. RICE. Yes; around 1942.

Mr. FRIEDLANDER. May have. I think I did have an interest.

Mr. RICE. Who was associated with you in that casino?

Mr. FRIEDLANDER. Mr. Charles Thomas.

Mr. RICE. Was Charlie Wall in there?

Mr. FRIEDLANDER. I wouldn't know.

Mr. RICE. How much of an interest did you have?

Mr. FRIEDLANDER. Very small.

Mr. RICE. What percent?

Mr. FRIEDLANDER. About 7½ or 10 percent; I think my returns would show; I don't remember.

Mr. RICE. And who were the other partners? Charlie Thomas—

Mr. FRIEDLANDER. Active partners were Charles Thomas and Arthur Childers; possibly Ed Padgett.

Mr. RICE. Who were the inactive partners? Charlie Wall?

Mr. FRIEDLANDER. I wouldn't know.

Mr. RICE. Was George Bowers in this?

Mr. FRIEDLANDER. I wouldn't know.

Mr. RICE. Have you ever been associated with George Bowers in anything?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. Sure about that?

Mr. FRIEDLANDER. May have been with George Bowers one year, I think I had a very small interest in 115, and the Little Palm.

Mr. RICE. You can't remember whether you did or not?

Mr. FRIEDLANDER. I think I did.

Mr. RICE. In 115 and the Little Palm?

Mr. FRIEDLANDER. What am I saying? I am incriminating myself.

Mr. KOHEN. Could we be a little more specific as to the time?

Mr. RICE. I will ask if you have had any interest in any joint venture, or any joint enterprise, with George Bowers?

Mr. FRIEDLANDER. Yes.

Mr. KOHEN. He said he had an interest in the 115 Club and the Little Palm.

Mr. RICE. Might I ask what those businesses were?

Mr. KOHEN. We can't answer that.

Mr. RICE. Did you ever hear of the Clearing House?

Mr. FRIEDLANDER. Yes, I did.

Mr. RICE. What was that?

Mr. FRIEDLANDER. That was a bolita business.

Mr. RICE. And did you have an interest in that?

Mr. FRIEDLANDER. If you give me a date——

Mr. RICE. Back in 1942.

Mr. FRIEDLANDER. Yes.

Mr. RICE. What type of operation was that?

Mr. FRIEDLANDER. It is a numbers game.

Mr. RICE. What did it have to do with bolita? Was it a bolita bank?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Where did they get the results?

Mr. FRIEDLANDER. Cuba. Every Saturday.

Mr. RICE. A Saturday operation. You got the results over the radio on Saturday?

Mr. FRIEDLANDER. That is correct.

Mr. RICE. Now, what was the Acme Amusement Co.?

Mr. FRIEDLANDER. What is the date on that?

Mr. RICE. 1942 or 1946.

Mr. FRIEDLANDER. If you have any returns, or if you could refresh me a little bit, who my partners were——

Mr. RICE. You can't remember the Acme Amusement?

Mr. FRIEDLANDER. No, I don't.

The CHAIRMAN. Were you in that business?

Mr. FRIEDLANDER. Yes, I was.

The CHAIRMAN. Let's pass on to the next one.

Mr. RICE. How about the ABC News Agency? They must be some of these telephone things you are talking about.

Mr. FRIEDLANDER. No.

Mr. RICE. What is the ABC News?

Mr. FRIEDLANDER. I was a partner in ABC News with Mr. Thomas and Mr. Byer.

Mr. RICE. What business was that?

Mr. KOHEN. Will you set a date?

Mr. RICE. 1942.

Mr. FRIEDLANDER. Bookmaking.

Mr. RICE. Bookmaking?

Mr. FRIEDLANDER. Yes.

Mr. RICE. ABC News was bookmaking. How come they picked the name ABC News?

Mr. FRIEDLANDER. I don't know. They had that name when I got there.

Mr. RICE. Who else was in that bookmaking enterprise?

Mr. KOHEN. In 1942?

The CHAIRMAN. The same group; wasn't it?

Mr. FRIEDLANDER. Yes; that is the Little Syndicate.

Mr. RICE. In 1943 what interest did you have in the Clover Club?

Mr. FRIEDLANDER. I had an interest. My returns will show.

Mr. RICE. Did you have an interest in the gambling part or the other part of the club?

Mr. FRIEDLANDER. We never gambled there when I got in it.

Mr. RICE. No gambling at the Clover Club?

Mr. FRIEDLANDER. When I got in it there never was any gambling.

Mr. RICE. Just a night club?

Mr. FRIEDLANDER. Yes.

Mr. RICE. How about the Farm Casino, in 1943?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Did you have an interest in that?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What interest did you have in the Farm?

Mr. FRIEDLANDER. I don't remember the exact interest.

Mr. RICE. Did you have a percentage?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Who were some of the other partners in the Farm?

Mr. FRIEDLANDER. What is the date on that?

Mr. RICE. 1943. That has been closed down for several years.

The CHAIRMAN. Frank Erickson?

Mr. FRIEDLANDER. Frank Erickson, I don't remember Frank Erickson. I think Sam Gold. He may have represented somebody but we had Sam Gold, and the Little Syndicate, of which I was a member.

The CHAIRMAN. Was Frank Erickson?

Mr. FRIEDLANDER. No. Sam Gold.

Mr. RICE. Gold was fronting for him?

Mr. FRIEDLANDER. I couldn't say.

The CHAIRMAN. The record does show he had an interest of some kind.

Mr. FRIEDLANDER. I think our records will show that we dealt with Sam Gold. They may have filed a partnership return for their interest.

Mr. RICE. While on the subject of Erickson, did you have any transactions with Erickson?

Mr. FRIEDLANDER. No.

Mr. RICE. Did you ever receive any money from him?

Mr. FRIEDLANDER. Not that I can remember.

Mr. RICE. You never received any money from Erickson that you know of. Can you make it a little more definite than that? Would you say that you never received any money from Erickson?

Mr. FRIEDLANDER. I think I borrowed some money from him.

Mr. RICE. You think you borrowed some money from him?

Mr. FRIEDLANDER. Would that be receiving money?

Mr. RICE. It would be a transaction; yes.

Mr. FRIEDLANDER. I borrowed some.

Mr. RICE. Tell us about the arrangement on that.

Mr. FRIEDLANDER. I gave him a dated check.

Mr. RICE. You gave him a what?

Mr. FRIEDLANDER. A dated check. I borrowed some money from him in September, or August, or July, I don't remember, and gave him a check dated February.

Mr. RICE. A postdated check?

Mr. FRIEDLANDER. Postdated check.

Mr. RICE. Where did you get together with him to borrow this money?

Mr. FRIEDLANDER. New York City.

Mr. RICE. How come he would lend you money?

Mr. FRIEDLANDER. Well, we have been friends for years.

Mr. RICE. You have been friends for years?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Did you put up any security?

Mr. FRIEDLANDER. No, sir; outside of my check.

Mr. RICE. You paid him back?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Jimmy Carroll in St. Louis, did you ever do business with him?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. How about John Mooney out in St. Louis?

Mr. FRIEDLANDER. No.

Mr. RICE. Never heard of him?

Mr. FRIEDLANDER. I have heard of him.

Mr. RICE. The Sky Club, in 1945, any interest in that?

Mr. FRIEDLANDER. I believe I did.

Mr. RICE. The same syndicate?

Mr. FRIEDLANDER. Well, we used to own it and then we sold it, and I think I bought it back with my brother; Padgett and Thomas and I, and I think possibly one other fellow.

Mr. RICE. That is your brother Herman?

Mr. FRIEDLANDER. No. My brother's name is Harry.

Mr. RICE. How about Ray's Cut-Rate Store?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Is that a liquor store?

Mr. FRIEDLANDER. No; it was a cut-rate drug store.

Mr. RICE. You still have an interest in that?

Mr. FRIEDLANDER. No.

Mr. RICE. What about the Pensacola operations, in 1945?

Mr. FRIEDLANDER. 1945. Well, I believe Pensacola is close to Alabama—is that correct?

Mr. RICE. Yes.

Mr. FRIEDLANDER. Some of my partners told me that the Alabama fellows were good gamblers, so we sent somebody out there with some money and opened up a little game.

Mr. RICE. Up in Pensacola, to take care of the action out of Alabama?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Who did you send up to Pensacola?

Mr. FRIEDLANDER. I can't remember his name. Big George, they called him. I don't remember his last name.

Mr. RICE. Big George?

Mr. FRIEDLANDER. Yes.

Mr. RICE. How did he make out?

Mr. FRIEDLANDER. We lost.

Mr. RICE. You lost?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Rex Package Store; have any interest in that liquor store?

Mr. FRIEDLANDER. I think I did.

Mr. RICE. Did your wife have an interest in that, too?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Club 86, did you have an interest in that, with the other syndicate boys?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What was the 717 operation?

Mr. FRIEDLANDER. What is the date?

Mr. RICE. 1945.

Mr. FRIEDLANDER. Gambling house.

Mr. RICE. Where was that?

Mr. FRIEDLANDER. 717 Northwest Sixty-some Street, just outside of the city limits of Miami.

Mr. RICE. The Mocambo Club, in 1945?

Mr. FRIEDLANDER. Don't remind me about that one.

Mr. RICE. Why?

Mr. FRIEDLANDER. Lost my shirt. This was a night club.

Mr. RICE. How did you lose your shirt?

Mr. FRIEDLANDER. Didn't do any business.

Mr. RICE. What kind of business?

Mr. FRIEDLANDER. Night club business.

Mr. RICE. Did you have a gambling casino there?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. Was Miller in that?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. Leser?

Mr. FRIEDLANDER. Lesnick.

Mr. RICE. Was he in that?

Mr. FRIEDLANDER. Yes, sir.

Mr. RICE. Did he lose his shirt, too?

Mr. FRIEDLANDER. He lost pretty much.

Mr. RICE. How about the—you told me about the Tepee and Little Palm and 115—how about the Trail Agency, 1946 to 1949?

The CHAIRMAN. Let's stay in 1946.

Mr. FRIEDLANDER. Trail Agency is, I believe, how we got a hold of some telephones. I think that was one of the deals. In the Tepee.

Mr. RICE. The Tepee is out on the Trail?

Mr. FRIEDLANDER. That would be it. That is it.

Mr. RICE. What was the Trail Agency?

Mr. FRIEDLANDER. That was a medium for getting four or five phones from the telephone company.

Mr. RICE. Where were the phones located?

Mr. FRIEDLANDER. In back of the Tepee.

Mr. RICE. They were in back of the Tepee?

Mr. FRIEDLANDER. Yes.

Mr. RICE. They used that, then, for horse booking?

Mr. FRIEDLANDER. Yes.

Mr. RICE. The Thirtieth Street Club, 1946. Do you remember the Thirtieth Club?

Mr. FRIEDLANDER. I don't remember. If you can refresh my memory some way. If you have some record I will be glad to tell you.

Mr. RICE. The Tropical Associates, of 1947, 3006 Northwest Twenty-seventh Avenue, what was that?

Mr. FRIEDLANDER. What is the date on that?

Mr. RICE. 1947.

Mr. KOHEN. That is a little bit too close.

The CHAIRMAN. All right. As to these, from 1947 on, if the question is asked if he had any connection with it, and he says he did, there will be no further questions asked about it.

Do you want to say whether you had any connection?

Mr. KOHEN. Senator, we did say we did.

The CHAIRMAN. You had connection with the Tropical Associates; is that correct?

Mr. FRIEDLANDER. That is correct.

The CHAIRMAN. Go ahead.

Mr. RICE. Blackmore Room, Inc.

Mr. FRIEDLANDER. Date?

Mr. RICE. Any time, did you ever have any interest in that?

Mr. FRIEDLANDER. Yes.

Mr. RICE. The Club Collins?

Mr. FRIEDLANDER. That is the same thing.

Mr. RICE. Same as the Blackmore Room?

Mr. FRIEDLANDER. The Blackmore Room was downstairs; the Club Collins upstairs.

Mr. RICE. How about the Miami News Agency?

Mr. FRIEDLANDER. I don't remember that one.

Mr. RICE. Don't remember that?

Mr. FRIEDLANDER. No.

Mr. RICE. We have talked about the Island Club, haven't we?

Mr. KOHEN. We said that we did have a connection with the Island Club. That is within the last 2 years.

Mr. RICE. How about the Bahamas Club, have an interest in the Bahamas Club?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. No interest in that?

Mr. FRIEDLANDER. Some friends of mine did, and it was assumed that I had an interest with them, but I directly did not have an interest in the Bahamas Club.

Mr. RICE. How would that work, who were these friends?

Mr. FRIEDLANDER. Certain friends of mine wanted to get in business in Florida, and, of course, through my knowledge of who to see and what to do, they acquired an interest, just for a short while, which included the Bahamas Club.

Mr. RICE. Let's see if I have that straight. You say you had some friends that came in and because of your knowledge of who to see and what to do—what did they do?

Mr. FRIEDLANDER. They bought an interest in the Bahamas.

Mr. RICE. They bought an interest. Who are these friends?

Mr. FRIEDLANDER. That is last year, I think, or 2 years ago. I would have to stand on my constitutional grounds.

Mr. RICE. You don't want to name who they are?

Mr. FRIEDLANDER. No.

Mr. RICE. What do you mean, of your knowledge of who to see and what to do, who did you have to see and what did you have to do?

Mr. FRIEDLANDER. I knew that this particular person who owned the Bahamas Club and the Turf wanted to sell either all or part.

Mr. RICE. Yes.

Mr. FRIEDLANDER. They were strangers in town. They came in and asked me what they could do to get into business.

Mr. RICE. What business?

Mr. FRIEDLANDER. Well, any kind of business.

Mr. RICE. Where did they come from, what part of the country?

Mr. FRIEDLANDER. The East.

Mr. RICE. The East. Jersey?

Mr. FRIEDLANDER. Yes.

Mr. RICE. New York?

Mr. FRIEDLANDER. No; Jersey.

Mr. RICE. And so they came to see you to see how they could get into business; is that right?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. You fronted for them for a while; is that it?

Mr. FRIEDLANDER. No, sir; I did not.

The CHAIRMAN. You sort of got them get started?

Mr. FRIEDLANDER. I helped them get in there.

The CHAIRMAN. All right.

Mr. RICE. As a result of that, of your helping them, did you get anything for that, did they straighten you up?

Mr. FRIEDLANDER. It happened to be an unhappy marriage, so nobody got anything, except the fellow that sold. He might have made a little something.

Mr. RICE. But the people you interceded for lost out and you didn't get anything?

Mr. FRIEDLANDER. No, sir; that is correct.

The CHAIRMAN. But you were to get something?

Mr. FRIEDLANDER. Yes.

Mr. RICE. What about the Unedea Vendors?

Mr. FRIEDLANDER. Well, it was originally set up as a cigarette vending machine business by a couple of fellows, and they got a hold of some telephones that way and they also bought some cigarette machines. Unfortunately, one of the partners died and that part of it was dropped.

Mr. RICE. They dropped the coin-machine part?

Mr. FRIEDLANDER. That is correct.

Mr. RICE. Kept the telephone part?

Mr. FRIEDLANDER. Yes.

Mr. RICE. You had an interest in that, didn't you?

Mr. FRIEDLANDER. Not in the cigarette machine vending business.

Mr. RICE. The telephone part?

Mr. FRIEDLANDER. That is correct.

Mr. RICE. What was the Herman Stark partnership?

Mr. FRIEDLANDER. Well, when I got an interest in the Frolics, it was my first venture into the night club field, and Herman Stark had been the manager of the old Cotton Club in New York City, and was a very capable man——

Mr. RICE. Speak up a little bit.

Mr. FRIEDLANDER. Herman Stark had been the manager of the Cotton Club, a very famous night club in New York City.

Mr. RICE. Yes.

Mr. FRIEDLANDER. And he was living—he had retired and came to Florida—and when I bought into the Frolics I thought it would be a good idea to give him an interest, to teach me the night club business.

Mr. RICE. Yes.

Mr. FRIEDLANDER. Because the Frolics, when we bought it, at the time we bought an interest——

Mr. RICE. You brought him in as an expert and backed him financially?

Mr. FRIEDLANDER. At that time the night club part didn't play an important part because we had a back room, where we thought we might do something.

Mr. RICE. A back room?

Mr. FRIEDLANDER. Casino.

Mr. RICE. A table proposition?

Mr. FRIEDLANDER. Yes. We never got it opened up that way.

Mr. RICE. Why not?

Mr. FRIEDLANDER. We just couldn't.

Mr. RICE. Why not?

Mr. FRIEDLANDER. The law enforcement was very rigid at the time.

Mr. RICE. How does it happen that now some operate and some don't?

Mr. FRIEDLANDER. I don't know anything about that.

Mr. RICE. You don't know anything about that?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. What was the Key West operation?

Mr. FRIEDLANDER. Never had any.

Mr. RICE. Never had any Key West operation?

Mr. FRIEDLANDER. No.

Mr. RICE. It looks to me like you got some money from the Key West operation.

Mr. FRIEDLANDER. If I did, I don't remember it.

Mr. RICE. You could get money from places you don't remember?

Mr. FRIEDLANDER. It is very unlikely, but I don't think we did.

Mr. RICE. You do business in Key West?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. Don't you go down there sometimes?

Mr. FRIEDLANDER. Sometimes.

Mr. RICE. What do you do down there?

Mr. FRIEDLANDER. Fish.

Mr. RICE. Where do you fish from?

Mr. FRIEDLANDER. Anywhere.

Mr. RICE. Where do you stay, at the Cabin Marino?

Mr. FRIEDLANDER. No.

Mr. RICE. Perkies?

Mr. FRIEDLANDER. I don't think I ever stayed in Perkies.

Mr. RICE. Where did you stay?

Mr. FRIEDLANDER. I was there twice or three times in my life.

Mr. RICE. Where did you stay when you went there?

Mr. FRIEDLANDER. I really don't remember.

Mr. RICE. Was it a hotel?

Mr. FRIEDLANDER. It was sort of a motel.

Mr. RICE. Who did you go with?

Mr. FRIEDLANDER. Harry Russell.

Mr. RICE. Harry Russell. When was the last time you were down with Harry Russell?

Mr. FRIEDLANDER. To my recollection, anywhere between 6 and 9 months ago, maybe a year ago.

Mr. RICE. As a matter of fact, it was after July of 1950, wasn't it?

Mr. FRIEDLANDER. It could have been.

Mr. RICE. When both you and Harry Russell were being sought by the committee?

Mr. FRIEDLANDER. Could have been.

Mr. RICE. Yes. Tell us about that trip, what you all did.

Mr. FRIEDLANDER. Just went fishing.

Mr. RICE. You knew the committee was looking for you, didn't you?

Mr. FRIEDLANDER. Well, that time I think we had some inkling.

Mr. RICE. How do you explain your going fishing when you knew a Senate committee was looking for you?

Mr. FRIEDLANDER. I think I explained that before.

The CHAIRMAN. He said he went down there because he thought we were looking for him, he and Harry Russell; that is right, isn't it?

Mr. FRIEDLANDER. Yes; but also the fact that our records had been taken, it was very confusing.

Mr. RICE. You were confused, so you went fishing?

Mr. FRIEDLANDER. Well, it would be a good time to go fishing.

Mr. RICE. What business is Harry Russell in?

Mr. FRIEDLANDER. I don't know.

Mr. RICE. You went fishing with him?

Mr. FRIEDLANDER. I still don't know.

Mr. RICE. Do you know where he is from?

Mr. FRIEDLANDER. Chicago, I think.

The CHAIRMAN. Mr. Friedlander, will you tell us the story, you are the one that dealt with him to get into the S. & G. Syndicate, tell us how did that come about.

Mr. FRIEDLANDER. I didn't deal with him.

The CHAIRMAN. Do you know how he got in?

Mr. FRIEDLANDER. Only what I read in the papers and what I heard.

Mr. KOHEN. He had nothing to do with Russell.

The CHAIRMAN. You were in Daytona with Harry Russell; he was a friend of yours?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. What part did you have in him getting into the S. & G. Syndicate?

Mr. FRIEDLANDER. None.

The CHAIRMAN. You have known him a long time, haven't you?

Mr. FRIEDLANDER. I would say about a year and a half, 2 years.

The CHAIRMAN. You knew him when he got in the S. & G. Syndicate?

Mr. FRIEDLANDER. I knew him at the time he got in, yes, if he got in.

The CHAIRMAN. Did you handle the negotiations with these boys to get into the S. & G.?

Suppose we have a 5-minute recess.

(Short recess taken.)

The CHAIRMAN. The present plan is, as far as we know, that we will have a hearing tomorrow morning at 10:30. In the morning we will have the particular matter described as the "come-back" business. And we will also have a session tomorrow afternoon at 2 o'clock.

Now, there are a lot of matters we have asked Mr. Friedlander about. There are two central matters and if we can get those matters cleared up we will be pretty well through. If we can get those two particular matters straightened out, I think we can get through pretty shortly.

I would like to know, Mr. Friedlander, just what part you had in getting Harry Russell, or entering negotiations with Harry Russell, to get into the S. & G. Syndicate?

Mr. FRIEDLANDER. I made no negotiations.

The CHAIRMAN. Tell us what you did.

Mr. FRIEDLANDER. I may have advised Sam Cohen that it would be good business on the part of the S. & G. to take Russell in.

The CHAIRMAN. What is that now?

Mr. FRIEDLANDER. I may have advised Sam Cohen, who is a member of the S. & G., that it would be good business on their part to take Russell in. That is as much as I had to do with it.

The CHAIRMAN. Sam Cohen is a brother of Ben Cohen. Sam is one of the S. & G. men, allegedly anyway, who got you to do that, Mr. Friedlander?

Mr. FRIEDLANDER. Well, I thought it was good business, because everything was closed at the time.

The CHAIRMAN. The wire was turned off, you mean, everything was closed down?

Mr. FRIEDLANDER. Before the wire was closed down.

The CHAIRMAN. Why did you think it would be good business for them to get Harry Russell into the S. & G.?

Mr. FRIEDLANDER. I thought it would be good business, so that everybody could go to work.

The CHAIRMAN. Why did you think they could go to work if you get him in the S. & G.?

Mr. FRIEDLANDER. Because the town was closed for some mysterious reason.

The CHAIRMAN. Now, why did you think it would be opened up if Mr. Russell were in the S. & G.?

Mr. FRIEDLANDER. I thought that if peace were made it would be a good thing.

The CHAIRMAN. Why did you think peace would be achieved if Harry Russell got into the S. & G.?

Mr. FRIEDLANDER. It was a thought of mine.

The CHAIRMAN. You knew that the wire service would come back if Harry Russell got into the S. & G., isn't that it?

Mr. FRIEDLANDER. Anybody would have known.

The CHAIRMAN. Why would anybody have known it?

Mr. FRIEDLANDER. Why was the wire shut down? I don't know.

The CHAIRMAN. We are asking you.

Mr. FRIEDLANDER. I have no idea.

The CHAIRMAN. Why would anybody know it would open up and that peace would be made immediately that Harry Russell got into the S. & G., why did you know that?

Mr. FRIEDLANDER. I didn't know it, but I felt it would be good business, with whoever did anything to close the town down.

The CHAIRMAN. You knew from Harry Russell that he could do something about the wire service?

Mr. FRIEDLANDER. No; I didn't.

The CHAIRMAN. You had a good idea?

Mr. FRIEDLANDER. I might have had an idea, but I didn't know.

The CHAIRMAN. Anyway, that was the sales point that you put over to Sam Cohen, that everything was closed down, nobody was making any money, whereas they used to make a lot of money, and the places would be opened up, and peace would be made, and the wire service would come back on if they put Harry Russell in the S. & G.?

Mr. FRIEDLANDER. I wouldn't say anything about wire service being put on if Harry Russell came back, but it was my impression that what pressure was on in the city would be eliminated if peace was made. As far as the wire service, I know nothing about it.

The CHAIRMAN. You mean that some pressure through Harry Russell had been put on, which closed down everything, and that pressure would be relieved if he were taken in?

Mr. FRIEDLANDER. It could also be that the S. & G. may have closed the city down, too.

The CHAIRMAN. They hadn't done anything to close it down, had they? Just tell us about it. That is the main point.

Mr. FRIEDLANDER. I really don't know too much about it. I did my bit in talking to Sam Cohen. I know nothing about Harry Russell's inner workings and S. & G.'s inner workings.

The CHAIRMAN. You knew that he had influence so that if he were taken in everything would be all right?

Mr. FRIEDLANDER. I felt that way; yes.

The CHAIRMAN. You felt that way?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. You were closely associated with him, weren't you?

Mr. FRIEDLANDER. With Russell?

The CHAIRMAN. Yes, sir.

Mr. FRIEDLANDER. No, sir.

The CHAIRMAN. You saw him every day or two, didn't you?

Mr. FRIEDLANDER. No, sir; not at that time.

The CHAIRMAN. But you had been?

Mr. FRIEDLANDER. Afterward.

The CHAIRMAN. Afterward you were very close to him?

Mr. FRIEDLANDER. He became a member of the S. & G.; I became quite friendly with him.

The CHAIRMAN. Now, why did you feel that these raids would stop as soon as Russell got in?

Mr. FRIEDLANDER. I don't know. Isn't it a matter of record that raids were made and then stopped?

The CHAIRMAN. Raids were made by a fellow by the name of Crosby before the cut-off came, that is, before the wire service was cut off.

Mr. FRIEDLANDER. Only on the S. & G. places.

The CHAIRMAN. And then Harry Russell comes in and the raids cease. Did you have a good idea that that would happen?

Mr. FRIEDLANDER. No.

The CHAIRMAN. What did you feel was Russell's "magic" in the matter, Mr. Friedlander? I mean, just your own idea about it. After all, they cut him in to a big business for \$20,000. What did you feel his magic was?

Mr. FRIEDLANDER. Possibly some political magic.

The CHAIRMAN. Political magic. Political magic with him?

Mr. FRIEDLANDER. Maybe with Crosby; I don't know.

The CHAIRMAN. With local people?

Mr. FRIEDLANDER. I really couldn't say.

The CHAIRMAN. With State people? With Crosby?

Mr. FRIEDLANDER. It could have been.

The CHAIRMAN. It could have been?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. As a matter of fact, Crosby, the only political magic was Crosby, he is the only one that strikes a familiar note with you, there wasn't any particular pressure on the part of the sheriff of Dade County to close down the S. & G. or on the part of the police of Miami Beach, to close S. & G., and your conclusion would be that the political pressure that was doing harm would be removed?

Mr. FRIEDLANDER. That would be my guess.

The CHAIRMAN. And you felt you had good facts to base that on, didn't you?

Mr. FRIEDLANDER. Well, I felt that somewhere along the line peace had to be made, because the season is very short; that is the only reason why I interceded; it was an unhealthy condition.

The CHAIRMAN. And you went over the matter with various people in reaching that conclusion, didn't you?

Mr. FRIEDLANDER. No; not necessarily.

The CHAIRMAN. It worked out as you said?

Mr. FRIEDLANDER. You mean the marriage—yes.

The CHAIRMAN. I mean peace was made when you got them in—

Mr. FRIEDLANDER. I didn't get them.

The CHAIRMAN. When he got in peace was made?

Mr. FRIEDLANDER. Yes. It was proved that it was the logical thing to do.

The CHAIRMAN. You were right in your assumption that pressure would be taken off, the wire service would start back, and the raids would stop and everybody would be happy, as soon as he got in, and then you and he became fast friends.

Mr. FRIEDLANDER. I wouldn't say "fast." We became friends.

The CHAIRMAN. Well, I mean, you saw one another more often.

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. You even went down to the Keys fishing together as you have said.

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. Then you, of course, knew Butsy O'Brien, didn't you?

Mr. FRIEDLANDER. Very little, very slightly, but I know him.

The CHAIRMAN. You knew him?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. You knew he was in the wire business?

Mr. FRIEDLANDER. Yes, I did.

The CHAIRMAN. And did you discuss this matter with him?

Mr. FRIEDLANDER. No, sir, I did not.

The CHAIRMAN. He is the one that turned the wire off, you know.

Mr. FRIEDLANDER. I wouldn't know if he turned it off or not.

The CHAIRMAN. Did you ever meet Crosby?

Mr. FRIEDLANDER. No, sir.

The CHAIRMAN. Never saw him?

Mr. FRIEDLANDER. I believe I saw him but I didn't meet him.

The CHAIRMAN. Did you know Bill Johnston pretty well?

Mr. FRIEDLANDER. I think I have seen him once or twice.

The CHAIRMAN. How about your Chicago friends, Mr. Friedlander. Do you know any people connected with the wire service in Chicago?

Mr. FRIEDLANDER. I know people in Chicago but I don't know if they are connected with the wire service or not.

The CHAIRMAN. Well, do you know Kelly?

Mr. FRIEDLANDER. No, sir.

The CHAIRMAN. You don't know Tony Accardo?

Mr. FRIEDLANDER. No, sir.

The CHAIRMAN. Then there was Mr. Kelly's brother with the Illinois Sports News.

Mr. FRIEDLANDER. No.

The CHAIRMAN. A fellow in the Illinois News Service, with the Illinois News Service, who came to Florida and arranged all the operations—what was his name?

Mr. FRIEDLANDER. I don't know.

The CHAIRMAN. You don't know him?

Mr. FRIEDLANDER. No.

The CHAIRMAN. Mr. Rice says his name is John Scanlon.

Mr. FRIEDLANDER. I met Mr. Scanlon once or twice.

The CHAIRMAN. You met him?

Mr. FRIEDLANDER. Yes, sir.

The CHAIRMAN. And you knew he was in the wire service?

Mr. FRIEDLANDER. No, I didn't.

The CHAIRMAN. You didn't know he was in the wire service?

Mr. FRIEDLANDER. I know Keogh, Butsy O'Brien, I know he was in charge of the south Florida end.

The CHAIRMAN. But you did not meet Mr. Scanlon?

Mr. FRIEDLANDER. Yes, I did.

The CHAIRMAN. How about O'Malley, do you remember him, Austin O'Malley?

Mr. FRIEDLANDER. No.

The CHAIRMAN. You don't remember meeting him?

Mr. FRIEDLANDER. No.

The CHAIRMAN. Mr. Friedlander, I don't think you have told us all that you know about why Harry Russell would furnish the "magic" to get these things going again. Just tell us all about it.

Mr. FRIEDLANDER. I really couldn't.

The CHAIRMAN. You knew that would happen? You guessed right?

Mr. FRIEDLANDER. It was a guess that a child could have made. The S. & G. had tremendous power and kept going in the face of tremendous newspaper pressure. All of a sudden they are closed. It was common gossip that certain, we will say pressure, was being put on the S. & G. And a little 6-year-old child could have figured out if some merger was made that everything would be all right.

The CHAIRMAN. It was common gossip that pressure was being put on the S. & G. What kind of pressure?

Mr. FRIEDLANDER. Political pressure, I imagine. What other pressure could there be, because they had pretty good control.

The CHAIRMAN. Well, political pressure was being put on the S. & G. but wasn't being put on the S. & G. by the sheriff of Dade County, was it?

Mr. FRIEDLANDER. I don't think so.

The CHAIRMAN. He was on the S. & G. side, wasn't he?

Mr. FRIEDLANDER. I wouldn't know.

The CHAIRMAN. It wasn't being put on by the chief of police of Miami Beach, was it?

Mr. FRIEDLANDER. I don't know.

The CHAIRMAN. You know it wasn't, because this fellow—what is the chief's name?

Mr. KOHEN. Simpson Short.

The CHAIRMAN. Short, yes. Short was chief of police at that time. He wasn't putting on any pressure, was he?

Mr. FRIEDLANDER. I don't think so.

The CHAIRMAN. Then where was the pressure coming from against the S. & G.?

Mr. FRIEDLANDER. I am assuming from Mr. Crosby.

The CHAIRMAN. You knew that to be the truth, didn't you?

Mr. FRIEDLANDER. I mean, he had made some moves against the S. & G.

The CHAIRMAN. And you figured that by getting Russell in that that would be taken care of?

Mr. FRIEDLANDER. It was common conclusion.

The CHAIRMAN. Common conclusion, everybody understood it?

Mr. FRIEDLANDER. I think so.

The CHAIRMAN. And you then also associated that political pressure with the cutting off of the wire service, didn't you?

Mr. FRIEDLANDER. No. That came as a complete surprise.

The CHAIRMAN. You figured that if that political pressure could be removed the wire service would also get into operation?

Mr. FRIEDLANDER. Naturally. Once they got together, whoever cut it off would turn it on.

The CHAIRMAN. But do you think the political pressure and the wire service were together?

Mr. FRIEDLANDER. Possibly.

The CHAIRMAN. Is that your idea?

Mr. FRIEDLANDER. That is my idea.

The CHAIRMAN. That is the assumption you went on? It apparently worked out that way.

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. What did you call Julian Warren about, Mr. Friedlander?

Mr. FRIEDLANDER. I happened to know Julian Warren. Mr. George Patton wanted a favor. I told him I knew Julian Warren. So I called for George Patton.

The CHAIRMAN. You called him two or three times about that time?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. Where was he?

Mr. FRIEDLANDER. Who?

The CHAIRMAN. Julian Warren.

Mr. FRIEDLANDER. I think the office is in——

The CHAIRMAN. Jacksonville?

Mr. FRIEDLANDER. I believe so.

The CHAIRMAN. He is the brother of the Governor, is he not?

Mr. FRIEDLANDER. Yes, sir.

The CHAIRMAN. During this time you were in pretty close touch with Mr. Patton, John Patton, were you not?

Mr. FRIEDLANDER. What?

The CHAIRMAN. You know Mr. John Patton pretty well, don't you?

Mr. FRIEDLANDER. John Patton?

The CHAIRMAN. Oh, I guess it is George Patton. You know him pretty well, don't you?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. Well now, was it some favor that George Patton wanted, was that the reason why you called Julian Warren about it?

Mr. FRIEDLANDER. He was looking for some appointment.

The CHAIRMAN. He wanted to be appointed as constable, did he not?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. Why were you interceding for Patton?

Mr. FRIEDLANDER. Well, Patton was a friend of mine.

The CHAIRMAN. He got appointed, did he?

Mr. FRIEDLANDER. No; he did not.

The CHAIRMAN. He did not?

Mr. FRIEDLANDER. No.

The CHAIRMAN. He was deputy sheriff, wasn't he? What did Julian Warren have to do with it?

Mr. FRIEDLANDER. I thought he could use his influence somewhere.

The CHAIRMAN. Who appoints the constables?

Mr. FRIEDLANDER. The Governor, I guess.

The CHAIRMAN. He can do it, but they are supposed to be elected, aren't they?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. He can appoint him, however?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. How about John Patton, do you know him pretty well?

Mr. FRIEDLANDER. No, sir; I don't.

The CHAIRMAN. Do you know him?

Mr. FRIEDLANDER. I do not.

The CHAIRMAN. You do not know him at all?

Mr. FRIEDLANDER. No, sir.

The CHAIRMAN. Did Julian Warren have any part in this cut-off matter, you know, of this wire service?

Mr. FRIEDLANDER. I don't think so; I don't know.

The CHAIRMAN. Did you talk to him about it?

Mr. FRIEDLANDER. No, sir.

The CHAIRMAN. You are sure you did not?

Mr. FRIEDLANDER. Positive.

The CHAIRMAN. How about Mr. Rush?

Mr. FRIEDLANDER. I met him.

The CHAIRMAN. He represented you in some matters, did he not?

Mr. FRIEDLANDER. I believe in one.

The CHAIRMAN. What did you talk with him about; did you talk with him about this pressure?

Mr. FRIEDLANDER. No; I did not.

The CHAIRMAN. All right, Mr. Rice.

Mr. RICE. Going back to 1944, there was an election campaign for sheriff—

The CHAIRMAN. Let me ask again: Is there anything else you can tell us about this, Mr. Friedlander? I know there is a good deal more in the picture. Is there anything else you can tell us about the negotiations to get Russell is?

Mr. FRIEDLANDER. No.

The CHAIRMAN. How many times did you talk with Mr. Cohen about it?

Mr. FRIEDLANDER. Possibly three times.

The CHAIRMAN. Did you help negotiate the price?

Mr. FRIEDLANDER. No, sir.

The CHAIRMAN. Was there, as part of that negotiation, something about a yacht, the *Clara Jo*?

Mr. FRIEDLANDER. I don't know anything about it.

The CHAIRMAN. You don't know how it happened?

Mr. FRIEDLANDER. No, sir; I don't.

The CHAIRMAN. You know they got this yacht right after he got in?

Mr. FRIEDLANDER. I don't know anything about it.

The CHAIRMAN. You know the S. & G. bought a yacht?

Mr. FRIEDLANDER. Yes, sir; I know; but I didn't ever know who they bought it from until I read it in the papers.

The CHAIRMAN. Yes. Well, you know that Harry Russell and Tony Accardo were pretty good friends, didn't you?

Mr. FRIEDLANDER. I assumed as much, in view of the fact that he came from Chicago.

The CHAIRMAN. You also talked with him about it, didn't you?

Mr. FRIEDLANDER. I talked with who?

The CHAIRMAN. You talked with Harry Russell about it?

Mr. FRIEDLANDER. About who?

The CHAIRMAN. About his friendship with Tony Accardo.

Mr. FRIEDLANDER. Yes, I may have talked to him about any number of people.

The CHAIRMAN. Did you talk to him about Jack Guzik?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. You did?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. You knew Jack Guzik and Tony Accardo were closely associated with Harry Russell, didn't you?

Mr. FRIEDLANDER. Not necessarily.

The CHAIRMAN. And that they were friends?

Mr. FRIEDLANDER. Yes; I might have known that.

The CHAIRMAN. In your calculations, didn't you figure always that Tony Accardo and Jack Guzik could maybe use a little influence to help things get settled, too?

Mr. FRIEDLANDER. No; I did not come to that conclusion at all.

The CHAIRMAN. On the wire service part of it.

Mr. FRIEDLANDER. No.

The CHAIRMAN. Their influence would not do any harm anyway, would it?

Mr. FRIEDLANDER. I beg your pardon?

The CHAIRMAN. I say, their influence would not do you any harm in getting the matter straightened out, would it?

Mr. FRIEDLANDER. I would not know.

The CHAIRMAN. Well now, you had a feeling, didn't you, Mr. Friedlander, that Guzik and Accardo were really the powers behind, or the powers along with Harry Russell, didn't you?

Mr. FRIEDLANDER. No; I would not say that.

The CHAIRMAN. But you knew they were associated together?

Mr. FRIEDLANDER. I never did know that.

The CHAIRMAN. But Harry Russell told you as much, didn't he?

Mr. FRIEDLANDER. He told me that he filed returns with certain people for Chicago. It was a complete surprise. I only knew Harry Russell a year or a year and a half.

The CHAIRMAN. He filed returns with people in Chicago, and they were Accardo and Guzik; he told you, didn't he?

Mr. FRIEDLANDER. I did not know that. He told me he had a big office in Chicago.

The CHAIRMAN. He told you also that he was sharing his interests, or proposed to share his interest in S. & G. with other people in Chicago?

Mr. FRIEDLANDER. No, sir; he did not.

The CHAIRMAN. You understood that, didn't you?

Mr. FRIEDLANDER. No; I did not.

The CHAIRMAN. I mean, he told you that after the thing happened?

Mr. FRIEDLANDER. No, sir; he did not.

The CHAIRMAN. What was it he said about filing returns with people in Chicago?

Mr. FRIEDLANDER. Well, when this committee started, and they were granted the privilege of examining personal income-tax returns, that is when he told me that he had filed from a big office in Chicago, a commission office, they were betting all over the country, and he had filed as partners with some of the fellows from Chicago. I don't even remember what it was.

The CHAIRMAN. All right, Mr. Rice.

Mr. RICE. Well now, when Sam Cohen consulted with you two or three times, what was the argument about, what was the proposition? Why did he consult with you?

Mr. FRIEDLANDER. He did not consult with me; I consulted with him.

Mr. RICE. What did you consult with him about?

Mr. FRIEDLANDER. I met him in a restaurant once.

Mr. RICE. Yes?

Mr. FRIEDLANDER. And I told him that I thought that they were stubborn and foolish.

Mr. RICE. That he was stubborn?

Mr. FRIEDLANDER. Yes.

Mr. RICE. About what?

Mr. FRIEDLANDER. About not straightening things out so that the town could open. There were a lot of people out of work.

Mr. RICE. What do you mean, straighten out what; what was stopping him from straightening anything out?

Mr. FRIEDLANDER. Some political pressure I didn't know anything about.

Mr. RICE. What was the proposition Russell was giving Cohen?

Mr. FRIEDLANDER. I don't know. I was not a member of S. & G.

Mr. RICE. What did Cohen say when you said, "Let's straighten this out, let's make peace"; what did he say, "I cannot do it"?

Mr. FRIEDLANDER. He said he would not do it.

Mr. RICE. Why wouldn't he?

Mr. FRIEDLANDER. He would not do it, he said he had partners, and they would go along, they would stand the way they were.

Mr. RICE. What was it he would not want to do, he would not want to take Russell in?

Mr. FRIEDLANDER. Possibly it was that.

Mr. RICE. What did he tell you it was?

Mr. FRIEDLANDER. He didn't tell me anything.

Mr. RICE. Did he tell you that Russell was trying to take a piece?

Mr. FRIEDLANDER. No; he did not say that.

Mr. RICE. Then what was it?

Mr. FRIEDLANDER. That he was going to stand the way they were, and whatever pressure was on, they would get it removed.

The CHAIRMAN. And you pushed him to give up, more or less?

Mr. FRIEDLANDER. I would not say I pushed him. I was, you might as well say, a peacemaker. I wanted to see everything get straightened out so that things would get moving again.

Mr. RICE. Did you go to Russell and see what his proposition was?

Mr. FRIEDLANDER. No.

Mr. RICE. You just tried to make peace with one side?

Mr. FRIEDLANDER. It looked like the logical thing to do. I believe Mr. Mills is a little bit familiar with the activities in Dade County, I think he is, and he will tell you that I am not too friendly with any members of the S. & G. That is common knowledge.

Mr. RICE. We understand that. We are interested in what Sam told you about Russell's proposition.

Mr. FRIEDLANDER. I did not give him no proposition from Russell. I told him that whatever forces were keeping things in turmoil, that the best thing to do was to try to straighten it out so that things could move along.

Mr. RICE. Where did you find out about these forces? Who told you that forces were working?

Mr. FRIEDLANDER. Everybody knew.

Mr. RICE. Everybody knew?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Who, in particular, told you—was your wire cut off?

Mr. FRIEDLANDER. I am not a bookmaker, sir.

Mr. RICE. Well, then, how did you find out about the wire being cut off?

Mr. FRIEDLANDER. Everybody knew it.

Mr. RICE. And they came to you?

Mr. FRIEDLANDER. Nobody came to me.

Mr. RICE. Did you talk to "Butsy" O'Brien about it?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. Who did you talk to besides Sam?

Mr. FRIEDLANDER. Just Sam.

Mr. RICE. You had information before you went to Sam, didn't you?

Mr. FRIEDLANDER. I had no information.

Mr. RICE. Well, what caused you to go there?

Mr. FRIEDLANDER. Because everything was closed, and we wanted to get it open.

Mr. RICE. Who wanted it?

Mr. FRIEDLANDER. I did. I had interests that I wanted to get open, too.

Mr. RICE. I see. So, to protect yourself you went to Sam?

Mr. FRIEDLANDER. Well, I thought it made good business for me. If you will recall, if you will examine your records, you will find that we had the Tepee and the Island Club at the time, and everything was shut down on account of this, whatever it was, and I was closed on account of certain people squabbling.

Mr. RICE. This thing?

Mr. FRIEDLANDER. I beg your pardon?

Mr. RICE. This thing. Now, whatever this thing was that was going on, when you went to Sam he said, "No; we are going to fight it," first, didn't he?

Mr. FRIEDLANDER. That is right.

Mr. RICE. What did he say he was going to do?

Mr. FRIEDLANDER. He did not tell me.

Mr. RICE. He just said that he was going to fight?

Mr. FRIEDLANDER. He said, "We have got plenty of money, we will wait it out, we will sweat it out."

Mr. RICE. In other words, we will see who is toughest?

Mr. FRIEDLANDER. Well, you can put it that way, but he didn't say that they would see who was toughest.

Mr. RICE. Well, to see who was going to out-muscle who?

Mr. FRIEDLANDER. No; he did not say that.

Mr. RICE. In any event, he was going to hold the line?

Mr. FRIEDLANDER. Yes.

Mr. RICE. All right. Then what happened?

Mr. FRIEDLANDER. Well, I went along like that for about a week, and I ran into him again.

Mr. RICE. Yes?

Mr. FRIEDLANDER. And I said, "Let's get this trouble over with so we can open."

Mr. RICE. Things were still going on?

Mr. FRIEDLANDER. Things were still closed.

Mr. RICE. And then what did he say?

Mr. FRIEDLANDER. It looked like he softened a bit and he said, "We are talking about it."

Mr. RICE. Oh, he softened up?

Mr. FRIEDLANDER. He said that there were five, six, or seven, or I don't know how many members of the S. & G., and he intimated that they were discussing making some kind of a merger. He didn't tell me what the plans were, or how.

About a week later, I believe, they got it straightened out and the town opened up.

Mr. RICE. They made a merger?

Mr. FRIEDLANDER. They must have.

Mr. RICE. Were they happy over that?

Mr. FRIEDLANDER. I don't know.

Mr. RICE. Well, they resisted that, didn't they?

Mr. FRIEDLANDER. They resisted that in the beginning.

Mr. RICE. But they finally capitulated?

Mr. FRIEDLANDER. They must have.

Mr. RICE. They lost so much money, or things got so tough, that they got down on their knees and took Harry Russell in?

Mr. FRIEDLANDER. Well, I don't know if they got down on their knees, but they merged. That is all I know.

The CHAIRMAN. All right.

Mr. RICE. Back in 1944 there was a campaign for sheriff in Dade County; is that right?

Mr. FRIEDLANDER. Yes.

Mr. RICE. And there were about six candidates, weren't there?

Mr. FRIEDLANDER. Why, I don't know. In the primary there might have been 8 or 10; I don't know.

Mr. RICE. And one of those six was Jimmy Sullivan?

Mr. FRIEDLANDER. That is correct.

Mr. RICE. Now, then, did you in any way contribute to Sullivan's campaign?

Mr. FRIEDLANDER. I refuse to answer on the ground that it might tend to incriminate me.

Mr. RICE. This is 1944 now.

Mr. KOHEN. Well, there is an indictment now for bribery, and I think we are getting a little too close to the question which might forge a link in that chain.

Mr. RICE. Well, now, how about campaign contributions, that is what we are talking about, not about bribery. Did you contribute to Sullivan's campaign in 1944?

Mr. FRIEDLANDER. I might have.

The CHAIRMAN. I will have to ask you to answer.

Mr. FRIEDLANDER. I might have.

Mr. RICE. You may have. Well, now, did you discuss with the members of the Little Syndicate who you felt you should back for sheriff in 1944?

Mr. FRIEDLANDER. I might have.

Mr. RICE. Yes. Now, then, what was the result of that discussion?

Mr. FRIEDLANDER. I think we backed Jimmy Sullivan.

Mr. RICE. You backed Jimmy Sullivan?

Mr. FRIEDLANDER. Yes.

Mr. RICE. Did you all back Jimmy Sullivan?

Mr. FRIEDLANDER. In 1944?

Mr. RICE. Yes; when there were six in the primary.

Mr. FRIEDLANDER. No; I don't think so.

Mr. RICE. You think some of you backed somebody else?

Mr. FRIEDLANDER. Yes.

Mr. RICE. As a matter of fact, didn't you arrange to partially back everyone that was running in the syndicate?

Mr. FRIEDLANDER. No, I don't think so.

Mr. RICE. Well now, let me pass this on to you and see what you have to say about this:

I heard at one time that there were six candidates for sheriff, and that the Little Syndicate decided they had \$30,000 to back the sheriffs, the various candidates for sheriff, so they more or less tossed coins and each one of them picked a candidate to back, and having \$30,000 they backed each one with \$5,000.

Mr. FRIEDLANDER. That is not true.

Mr. RICE. What do you have to say about that?

Mr. FRIEDLANDER. What do I have to say about it?

Mr. RICE. Yes; and that Friedlander drew Jimmy Sullivan.

Mr. FRIEDLANDER. That is not true.

Mr. RICE. What is the story?

Mr. FRIEDLANDER. I believe we picked what we considered two or three of the strongest candidates.

Mr. RICE. Yes?

Mr. FRIEDLANDER. And we threw our support, or our various supports, to these three various candidates.

Mr. RICE. Well, when you say "we," whom do you mean?

Mr. FRIEDLANDER. The Little Syndicate.

Mr. RICE. The syndicate?

Mr. FRIEDLANDER. Not the S. & G., let's get that straight. It was the Little Syndicate.

Mr. RICE. That is Padgett, Charlie Thomas, and Yarborough?

Mr. FRIEDLANDER. That is right.

Mr. RICE. Who else; Cliff Spikes?

Mr. FRIEDLANDER. Who?

Mr. RICE. Cliff Spikes?

Mr. FRIEDLANDER. Cliff Spikes and Joe Lapop.

Mr. RICE. Now, then, did it happen that you were selected or gambled and became the one to take care of Jimmy Sullivan?

Mr. FRIEDLANDER. No, it did not happen that way at all.

Mr. RICE. How was that arranged?

Mr. FRIEDLANDER. We just picked, I think the candidates we picked were Chanstain—I am not sure if that is the name, and Jimmy Sullivan, and one more. Jimmy Sullivan won; he won for all of us.

Mr. RICE. Now, then, as to the ones you picked, did you apportion the money to them equally?

Mr. FRIEDLANDER. I could not remember that.

Mr. RICE. Or did you back one with more money than the other?

Mr. FRIEDLANDER. I don't think so.

Mr. RICE. Well, do you remember if it was even or——

Mr. FRIEDLANDER. It must have been even.

Mr. RICE. It must have been even?

Mr. FRIEDLANDER. I suppose so.

Mr. RICE. You kind of insured the bet on that a little bit; didn't you?

The CHAIRMAN. Did each one of you, then, take, maybe two of you took one man, two took another man, and two another; is that the way you did it?

Mr. FRIEDLANDER. No.

The CHAIRMAN. You just all pooled your interests for the three of them?

Mr. FRIEDLANDER. Yes, sir.

The CHAIRMAN. All right.

Mr. RICE. Do you recall how much it was you contributed to Sullivan?

Mr. FRIEDLANDER. I really do not.

Mr. RICE. Was it more than \$5,000?

Mr. FRIEDLANDER. I don't think so. I would say it was much less.

Mr. RICE. How much less?

Mr. FRIEDLANDER. I could not say; it might have been \$2,000, it could have been almost any amount.

Mr. RICE. It could have been \$2,000?

Mr. FRIEDLANDER. Yes.

Mr. RICE. And did you give it to him?

Mr. FRIEDLANDER. I did not give it to him at all, I don't think. Remember, this is 1944.

Mr. RICE. Yes.

Mr. FRIEDLANDER. And I cannot remember.

Mr. RICE. Well, who did you give it to?

Mr. FRIEDLANDER. I don't know.

Mr. RICE. You did not give it to the other candidates?

Mr. FRIEDLANDER. Me?

Mr. RICE. The money for Sullivan, you wanted to make sure he knew that you were backing him, didn't you?

Mr. FRIEDLANDER. Well, we possibly gave it to one of his campaign managers.

Mr. RICE. And you let him know that you had done it; didn't you?

Mr. FRIEDLANDER. Naturally.

The CHAIRMAN. Who was that candidate manager?

Mr. FRIEDLANDER. I would not remember, Senator. That was back in 1944.

The CHAIRMAN. All right.

Mr. RICE. Was it his wife?

Mr. FRIEDLANDER. No.

Mr. RICE. Did you ever give any money to his wife?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. How about 1948, when he ran?

Mr. FRIEDLANDER. In 1948?

Mr. RICE. Yes. Did you back him then?

Mr. FRIEDLANDER. Yes.

Mr. RICE. And did the syndicate back him?

Mr. FRIEDLANDER. The little syndicate?

Mr. RICE. Yes.

Mr. FRIEDLANDER. No.

Mr. RICE. You backed him individually?

Mr. FRIEDLANDER. That is correct.

Mr. RICE. How much did you contribute at that time?

Mr. KOHEN. Did you give any?

Mr. FRIEDLANDER. I don't remember how much it might have been. I know that we gave him some.

Mr. KOHEN. He made a contribution, but he does not remember how much.

The CHAIRMAN. All right, let's let it go at that. He made a contribution and does not know how much.

Jimmy knew how much; didn't he?

Mr. FRIEDLANDER. I beg your pardon?

The CHAIRMAN. Jimmy knew how much; didn't he?

Mr. FRIEDLANDER. It was not made directly to him.

The CHAIRMAN. Oh, but it wouldn't do you any good to give it unless he knew that you were giving it?

Mr. FRIEDLANDER. I imagine he knew; his campaign manager would certainly tell him that he received it.

The CHAIRMAN. All right. Do you have anything else, Mr. Rice?

Mr. RICE. Yes, I would like to ask a general question.

George Patton made a statement, you remember, to this committee?

Mr. FRIEDLANDER. Yes.

Mr. RICE. And you have read the statement?

Mr. FRIEDLANDER. I read part of it.

Mr. RICE. I beg your pardon?

Mr. FRIEDLANDER. I read part of it.

Mr. RICE. Possibly?

Mr. FRIEDLANDER. No, part; only what they reprinted in the Miami newspaper.

Mr. RICE. I see. Now, then, on the parts of the statement that you read in the Miami newspaper, was any of that right or was any of it wrong?

Mr. KOHEN. Now, just a minute. That is subject to an indictment in our courts as of the present day, and Mr. Friedlander stands indicted.

Mr. RICE. What I would like to get is a blanket denial or an acknowledgment, if possible.

Mr. KOHEN. Well, we refuse to testify to anything based on a statement given by Patton not in our presence.

Mr. RICE. You understand that we have certain situations that are covered in that, and I would like to get the fact as to whether he has any explanation that he wants to offer at this time, or any denial, or whether he has anything to say about it.

Mr. KOHEN. Mr. Rice, I think in fairness to Mr. Friedlander, since it is the subject of an indictment, and it has happened so recently, I think that is a matter you ought to forbear.

The CHAIRMAN. The situation is that Mr. Friedlander is talked about a great deal in the Patton statement, and if he wanted to make any explanation, denial, or say anything about it, this would be a good time for him to do so.

Mr. KOHEN. Would the Senator be satisfied with a general denial of any statement that Patton made?

The CHAIRMAN. Well, I don't think that that could be done.

Mr. RICE. Well, if the witness wants to perjure himself.

The CHAIRMAN. If he wants to say the whole statement is incorrect, but if he has not read it all, I don't see how he could.

Mr. KOHEN. Only the part that he read in the newspaper.

Mr. FRIEDLANDER. Mr. Patton appeared before the grand jury in Florida, and based on his testimony I was indicted on eight counts for bribery.

The CHAIRMAN. All right.

Mr. FRIEDLANDER. That would put me in a very bad position.

The CHAIRMAN. It was not solely on his testimony.

Mr. FRIEDLANDER. I believe it was.

Mr. KOHEN. Yes, it was.

The CHAIRMAN. There were other witnesses appeared before the grand jury.

Mr. FRIEDLANDER. No—well, I don't know what happened in the grand jury.

The CHAIRMAN. I rely on what Mr. Mills tells me.

Mr. FRIEDLANDER. Well, Mr. Mills certainly knows more than I do.

The CHAIRMAN. Very well. Don't ask about Patton's statement.

Mr. RICE. We take it he has no gratuitous statement to make.

Mr. KOHEN. Mr. Rice, we are not here gratuitously. We are here on a subpoena.

Mr. RICE. Well, once in a while something comes in gratuitously.

Mr. KOHEN. I understand that it does sometimes.

Mr. RICE. Yes. I believe there is one thing we would like to ask you about, and that is that note that you had with Raymond Craig. Tell us about that.

Mr. FRIEDLANDER. Well, that is the deal that those fellows came down from Jersey on.

Mr. RICE. Oh, yes.

Mr. FRIEDLANDER. And bought, and then they became disgusted. I did not mention Raymond Craig; you just did.

Mr. RICE. Yes.

Mr. FRIEDLANDER. And they became disgusted with the whole deal, and Mr. Craig could not return the money, so he gave them a note or check, or a series of checks, I don't remember which, and they left town and left them in my possession.

Mr. RICE. They left you with the checks?

Mr. FRIEDLANDER. For me to collect from the gentlemen in question. They were up North; they went back.

Mr. RICE. Well, now, they were from Philadelphia; weren't they?

Mr. FRIEDLANDER. No.

Mr. RICE. Was it from Jersey?

Mr. FRIEDLANDER. That is correct.

Mr. RICE. Well, I don't quite follow you. Craig gave you checks to pay them back?

Mr. FRIEDLANDER. Craig gave them a note, and then later——

Mr. RICE. How much was that for?

Mr. FRIEDLANDER. I think it was \$15,000.

Mr. RICE. It was \$25,000; wasn't it?

Mr. FRIEDLANDER. Maybe it was 25.

Mr. RICE. Yes.

Mr. FRIEDLANDER. Then he made a payment and reduced it to 15, but eventually I wound up with three \$5,000 checks, or one check for \$10,000 and one for \$5,000. They said, "When the checks come due, go and get the money from Craig."

Mr. RICE. Was that ever completed?

Mr. FRIEDLANDER. Well, I believe that later on I returned the checks to Mr. Craig, and he gave me some kind of a mortgage that he held on some property. I turned around and sold the mortgage at a little bit of a loss, and gave the fellows the money.

Mr. RICE. So, so far as you are concerned, Craig is paid out and that matter is satisfied?

Mr. FRIEDLANDER. That is correct.

Mr. RICE. And they have gone back up there?

Mr. FRIEDLANDER. I beg your pardon?

Mr. RICE. They returned to New Jersey?

Mr. FRIEDLANDER. A way back. The confusion there about Philadelphia was because one of the fellow's names was Weisberg, and there is a Weisberg in Philadelphia.

Mr. RICE. Willie Weisberg?

Mr. FRIEDLANDER. This is Aaron Weisberg.

Mr. RICE. I see.

Mr. FRIEDLANDER. I believe Mr. Craig will verify that.

Mr. RICE. Do you know Willie Weisberg from Philadelphia?

Mr. FRIEDLANDER. Yes, I do.

Mr. RICE. What transactions did you have with him?

Mr. FRIEDLANDER. None.

Mr. RICE. Do you know "Nig" Rosen?

Mr. FRIEDLANDER. Yes, I do.

Mr. RICE. Down in Florida?

Mr. FRIEDLANDER. Well, they have not been there this year, but—I mean, they used to come every winter.

Mr. RICE. Did you have any transactions with "Nig"?

Mr. FRIEDLANDER. No, sir.

Mr. RICE. When did you know "Nig" Rosen? Did you know him in Jersey?

Mr. FRIEDLANDER. I think I knew him from Jersey.

Mr. RICE. Did you know him through Longy?

Mr. FRIEDLANDER. Possibly.

Mr. RICE. Did you see Longy and "Nig" together?

Mr. FRIEDLANDER. No, I never did.

Mr. RICE. What business was Rosen in?

Mr. FRIEDLANDER. I would not know.

Mr. RICE. He is in the dress business; isn't he?

Mr. FRIEDLANDER. It could be; I don't know.

(At this point there was certain matter had in executive session, after which the following proceedings were had:)

The CHAIRMAN. Now, where is Sam "Game Boy" Miller; do you know?

Mr. FRIEDLANDER. Where is he?

The CHAIRMAN. Yes.

Mr. FRIEDLANDER. The last I saw him, he was in Florida.

The CHAIRMAN. You saw him recently; didn't you?

Mr. FRIEDLANDER. Yes, I did.

The CHAIRMAN. Well, we have been looking for him at Cleveland, Ohio. We have a subpoena out for him. Have you seen him within the last few days?

Mr. FRIEDLANDER. I think I saw him last week in Florida.

The CHAIRMAN. On Pine Street?

Mr. FRIEDLANDER. On Pinetree Drive.

The CHAIRMAN. On Pinetree Drive?

Mr. FRIEDLANDER. On Pinetree Drive. I won't say that I saw him on Pinetree Drive.

The CHAIRMAN. Well, we have subpoenas out for him in Florida, Las Vegas, and we have turned his name over to the Sergeant at Arms in the Senate, and everybody is looking for him.

Have you talked with him about him being wanted to appear at Cleveland?

Mr. FRIEDLANDER. I read in the paper that he was wanted in Cleveland; I believe it was in the Miami papers.

The CHAIRMAN. You read that in the Miami papers?

Mr. FRIEDLANDER. Yes.

The CHAIRMAN. So I guess he knows, all right.

Is there anything else before we recess?

What time does your plane leave?

Mr. KOHEN. Nine o'clock. We have not had any lunch or dinner, Senator.

The CHAIRMAN. Well, all right.

Mr. Friedlander, I want it understood that you will remain under subpoena, and that you will respond to any call of the committee, in case we want you again. We feel, then, that we can notify either Mr. Kohen or you, and you will be here?

Mr. KOHEN. You can notify me, and if you will give us 24 hours, we would appreciate it.

The CHAIRMAN. All right, sir.

Mr. KOHEN. We will come to any place that you say.

Mr. RICE. Let us have one of your cards, Mr. Kohen.

Mr. KOHEN. Yes. I do not have a card, but I will give you the information.

The CHAIRMAN. Then let the record show that the committee, by a resolution of the full committee, authorized the holding of hearings today by a subcommittee of one, and that the chairman designated himself as a subcommittee of one to hold the hearings this afternoon.

The hearings will stand in recess until 10:30 o'clock in the morning.

(Whereupon, at 7 p. m., the committee adjourned, to reconvene on Saturday, February 17, 1951, at 10:30 a. m.)

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE COMMERCE

SATURDAY, FEBRUARY 17, 1951

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE,
Washington, D. C.

The committee met, pursuant to recess, at 10:35 a. m., in room 457, Senate Office Building, Senator Estes Kefauver (chairman) presiding. Present: Senators Kefauver and Tobey.

Also present: Downey Rice, George S. Robinson, and John L. Burling, associate counsel.

The CHAIRMAN. The committee will come to order. Is Mr. Culbreath from Florida here?

(No response.)

(Whereupon, the committee heard the testimony of Richard Remer, Miami Beach, Fla.; Fred Cogan, New Orleans, La.; Louis Rosenbaum, Cincinnati, Ohio; Joseph Uvanni, Rome, N. Y.; and John Doyle, Gary, Ind.; which testimony is included in pt. 12 of the hearings of the committee.)

Senator HUNT. Sheriff Culbreath, will you take the stand, please.

The committee will come to order. Sheriff Culbreath, our counsel has some additional questions he wanted to ask you and that is the reason for your being asked to come to Washington today and we will proceed with the questioning at this time.

FURTHER TESTIMONY OF HUGH L. CULBREATH, SHERIFF OF HILLSBOROUGH COUNTY, FLA., ACCOMPANIED BY WILLIAM C. PIERCE, ATTORNEY, TAMPA, FLA.

Mr. RICE. Let the record show that Mr. Pierce is here with us again. I think it probably would be wise, Mr. Chairman, to review briefly the testimony down in Tampa, concerning Sheriff Culbreath, for the benefit of Senator Tobey.

I will run through it, Sheriff and Mr. Pierce, and if I say anything wrong, why, please correct me.

The sheriff indicated, I believe, he was born in 1897 and had 2 years at the University of Georgia. He served in the Army in World War I.

On that, Sheriff, were you at Georgia before or after you were in World War I?

Mr. CULBREATH. Before.

Mr. RICE. Before? Yes.

Now, after his release from the Army he became employed as a salesman for a meat company. He worked there until about 1929, when he became a deputy sheriff of Hillsborough County under Sheriff Hatton, is that correct?

Mr. CULBREATH. That is right.

Mr. RICE. I think Hatton was removed from office, was he not, Sheriff, and you went back to the meat business?

Mr. CULBREATH. That is correct.

Mr. RICE. Now, then, in 1932 you became constable in the same county, Hillsborough County.

Mr. PIERCE. Mr. Rice, I believe he was elected in 1932 and took office in 1933.

Mr. RICE. Yes. Was he appointed the first time?

Mr. PIERCE. No; he ran in 1932 in the primaries of the spring of 1932, and was elected in the general elections during the fall of 1932, and took office in January 1933.

Mr. RICE. As constable?

Mr. PIERCE. That is right.

Mr. RICE. He continued in that capacity as meat salesman and had two jobs more or less during that period. He indicated he sold meat in the daytime and worked as constable at night.

Now, I believe he said that his income from his job during that time was around \$7,500 a year as constable, and that up until 1940 he filed no income-tax returns because he was an official, is that right?

Mr. CULBREATH. Yes. During that period we did not file income-tax reports, that is, the officials. State and county, did not.

Mr. RICE. He also operated for several years a fishing business in which he had several fishing vessels out in the area, and received income from that source. He was in business with Joe Buell and Alec Jones, both of them now dead.

Mr. CULBREATH. That is right.

Mr. RICE. In 1941 he was elected sheriff of Hillsborough County and has remained in that capacity to date.

His salary for that job ran at \$7,500 per year until 2 years ago, when it was raised to what?

Mr. CULBREATH. It has not been raised.

Mr. RICE. It is still \$7,500?

Mr. CULBREATH. That is correct.

Mr. RICE. Now, shortly after his election as sheriff in 1941 the sheriff reentered the Army and during the years 1942, 1943, and 1944 he was on leave of absence from the sheriff's office, and he served in the Army at Waycross, Ga., and I believe, near Punta Gorda, were you not, started at MacDill.

Mr. CULBREATH. I was at MacDill, the Army Air Base, Waycross, and Quantico.

Mr. RICE. That is right.

Mr. PIERCE. Mr. Rice, you mentioned 3 years there, but I believe the elapsed time after he reentered the service was 2 years; it was part of 2 years and all—

Mr. RICE. During those years I seem to recall his income dropped from \$7,500 to the neighborhood of \$4,600 or \$4,800 per annum, is that correct, at least from the tax returns?

Mr. CULBREATH. I think then, Mr. Rice, also made a deduction—I did not allow for the family allowance and subsistence.

Mr. RICE. Now, then, we went over your accumulations of assets from 1940 up until date, we had in the neighborhood of \$100,000 in either bank accounts or property purchased since 1940, and we had somewhere in the neighborhood of \$36,000 reported income.

I believe you called in from your safe deposit box in your home that you had some \$1,800 in cash there, and we left one box unaccounted for in the bank there.

Have you checked that now, Sheriff, and do you know now what was in that box?

Mr. CULBREATH. In the bank?

Mr. RICE. Yes.

Mr. CULBREATH. No. I reported that down there, Mr. Rice.

Mr. RICE. I cannot hear you, sir.

Mr. CULBREATH. I reported that there, didn't I?

Mr. RICE. No, you said you did not know what was in that box. I could be wrong.

Mr. CULBREATH. In the bank? I think I reported some cash there; I don't remember the exact amount.

Mr. RICE. Three or four hundred dollars?

Mr. CULBREATH. Yes, sir.

Mr. RICE. I see. Now, then, going back to the time you left the Army and became employed by Armour & Co., what did you earn then? You were a beef cooler, I believe you said.

Mr. CULBREATH. When I started with Armour & Co., yes, I was in the cooler there.

Mr. RICE. Yes.

Mr. CULBREATH. I don't remember. I believe it was \$25, but I am not sure.

Mr. RICE. It was around \$15, \$25 a week?

Mr. CULBREATH. Yes. That is when I first started back to work in—

Mr. RICE. And you went from there to the St. Louis Independent Packing Co.?

Mr. CULBREATH. No. I traveled for them before I went to St. Louis; I also shipped; I was on the shipping desk and I traveled for them.

Mr. RICE. Where were your headquarters when you worked for the St. Louis Packing Co.?

Mr. CULBREATH. In Tampa.

Mr. RICE. In Tampa?

Now, then, what were your average weekly earnings for the St. Louis Independent Packing Co.?

Mr. CULBREATH. I testified to that, I believe, but there is no way for me to give you an accurate check on that because it was, as I testified, a commission basis.

Mr. RICE. Yes, you indicated that you thought you made somewhere between \$10,000 and \$12,000 a year.

Mr. CULBREATH. Some years I made over \$10,000.

Mr. RICE. Since talking to you down there, there have been a number of letters and other sources of information coming to the committee, and people like your grocer and what not, who said that the largest check they ever saw you cash from any source of income was \$35 a week.

Mr. CULBREATH. If anyone wrote you anything like that they falsified.

Mr. RICE. They falsified?

Mr. CULBREATH. Yes. That is, that may have been all they saw, but not as a salary check. They did not see anything like that from me.

Mr. RICE. Did you ever draw a check from the St. Louis Packing Co. larger than \$35?

Mr. CULBREATH. Why, certainly; I never drew one that small.

Mr. RICE. You never drew one that small?

Mr. CULBREATH. No, sir.

Mr. RICE. All right. Then you went from the job that was paying you in the neighborhood of \$15, \$20, \$25 a week to something that paid ten or twelve thousand dollars a year did you not?

Mr. CULBREATH. Well, it reached that; yes, sir.

Mr. RICE. Now, then, what became of that job? You left that?

Mr. CULBREATH. I left that job.

Mr. RICE. You left that job and you took one that paid you a top salary of \$7,500 as constable?

Mr. CULBREATH. Well, that job, of course I stated a moment ago, was a commission job, and the commission didn't stay up at the peak all the time.

Mr. RICE. All right.

What was the minimum?

Mr. CULBREATH. Then when it dropped off, when the business got poorer and then I got a job, I don't know, I just wanted—I figured a way that I could handle the constable's job, a political job, along with the other job, so I wanted to keep the income, and I decided to run for constable.

Mr. RICE. All right. So that it did not look to you like you were going to make that ten or twelve thousand, did it?

Mr. CULBREATH. Well, I wouldn't say that I was not going to make it any more.

Mr. RICE. All right. Now, during the time that you were making this ten or twelve thousand dollars a year, did you pay income tax on that?

Mr. CULBREATH. Yes, sir.

Mr. RICE. You filed a return on that.

Mr. CULBREATH. Yes, sir.

Mr. RICE. Are you sure about that?

Mr. CULBREATH. When I was working at St. Louis, I am quite positive I did.

Mr. RICE. Then when did you stop filing tax returns?

Mr. CULBREATH. When I was elected to public office.

Mr. RICE. When you were elected?

Mr. CULBREATH. Yes, sir.

Mr. RICE. And that was in 1931?

Mr. CULBREATH. Well, 1931, 1932.

Mr. RICE. Is it fair to say then that from 1931 until 1940 you filed no tax returns?

Mr. CULBREATH. Well, I don't think there was any filed, not during that period as a constable up to about 1939 or 1940. As I testified down there, that whenever there was some order—

Mr. RICE. Yes, I understood. So you filed a return?

Mr. CULBREATH. That is right, sir.

Mr. RICE. When was it that you were in this fishing business?

Mr. CULBREATH. I got in that, well, it really started back in, maybe, in the twenties, but—

Mr. RICE. When did you get out of it?

Mr. CULBREATH. I got out of it when I was elected to the sheriff's office.

Mr. RICE. That was in 1940?

Mr. CULBREATH. 1941.

Mr. RICE. So you were receiving some income from this fishing business between the years 1930 and 1940?

Mr. CULBREATH. Yes; in the years 1933, 1934, and 1935.

Mr. RICE. What did you do about filing a tax on that?

Mr. CULBREATH. Well, there was none filed on that.

Mr. RICE. That is right, sir.

Mr. CULBREATH. That is right.

Mr. RICE. So you just did not file any during that time?

Mr. CULBREATH. That is what I testified.

Mr. RICE. What was your reason about that again?

Mr. CULBREATH. I said because the public officials did not file income-tax reports, and I had become a public official; I just did not file any.

Senator TOBEY. You are speaking now of Federal income-tax reports?

Mr. CULBREATH. Yes, sir.

Senator TOBEY. Returns, in other words?

Mr. CULBREATH. Yes, sir.

Senator TOBEY. You say the public officials were not required to file them?

Mr. CULBREATH. Not down in that State, they didn't.

Senator TOBEY. Well, you are speaking of the Federal tax returns or the State tax returns?

Mr. CULBREATH. I am talking about Federal returns. You won't find any circuit judge or county judge or county commissioners, clerks of the courts, sheriffs, constables, any of them, that filed—mayors.

Senator TOBEY. Well, let us get this right: This money that came in as income on the side, all of it—

Mr. CULBREATH. Well, it came in from the fishing business; yes, sir.

Senator TOBEY. Yes; and you mean to tell us that you are stating that the Federal law did not require you to file income-tax returns covering your earnings from the fishing business?

Mr. CULBREATH. No, sir; I did not tell you that, Senator, sir. I did not understand it as being the law when I was elected there—I knew very little about it, and I was informed or told that public officials didn't file income-tax reports, and I did not file them.

Senator TOBEY. Who told you that?

Mr. CULBREATH. Well, someone down there, I don't recall who, someone.

Senator TOBEY. You just take a happenstance conversation about a thing like that, is that what you did, or did you go to the authorities and ask them?

Mr. CULBREATH. Well, it was universal; they all followed the same system down there.

Senator TOBEY. All right. The Federal Income Tax Department, did they ever come to you and ask you why you did not file? Have you ever heard from them about that lapse in your filing?

Mr. CULBREATH. I may have; I don't recall.

Senator TOBEY. You would know if you did, would you not?

Mr. CULBREATH. Well, I don't know, sir; no, sir.

Senator TOBEY. You do not remember their ever doing it?

Mr. CULBREATH. They could have, but I don't remember.

Senator TOBEY. If they came to you, it is certainly not one of the light things in a man's life when a Federal income tax collector comes around and says, "Look here, John Smith, why didn't you file an income-tax return for 5 years?" That is a usual thing in your life, is it, so that you would not remember it?

Mr. CULBREATH. Well, I don't remember it; no, sir.

Senator TOBEY. Then on the face of your testimony you owe the Government a good deal of money, do you not?

Mr. CULBREATH. I would say so; yes, sir.

Senator TOBEY. Have you taken any steps to make restitution to the Government?

Mr. CULBREATH. I have.

Senator TOBEY. What have you done?

Mr. CULBREATH. I have gone back and made amended returns.

Senator TOBEY. Have you paid them?

Mr. CULBREATH. I have.

Senator TOBEY. What was the total amount?

Mr. CULBREATH. Well it runs about \$1,500 to date.

Senator TOBEY. Fifteen hundred dollars altogether for those 9 years?

Mr. CULBREATH. Yes, sir.

Senator TOBEY. What is the total income that you took in during those 9 years?

Mr. CULBREATH. Well, I paid a tax on, I think it is \$8,300, or \$8,500 a year.

Senator TOBEY. And altogether you only paid \$1,500 to the Government?

Mr. CULBREATH. Well, that is the first tax. I don't know if there would be any additional penalties or not.

Senator TOBEY. Have they ever given you a clean bill of health for those 9 years?

Mr. CULBREATH. No, sir.

Senator TOBEY. It is still pending, is it not?

Mr. CULBREATH. Yes, sir.

Senator TOBEY. How long ago did you do this?

Mr. CULBREATH. Well, I did it since the hearing in Tampa.

Senator TOBEY. Since what?

Mr. CULBREATH. Since the hearing in Tampa.

Senator TOBEY. I see. Would you have done it if we had not had the hearings in Tampa?

Mr. CULBREATH. I would not have known to do it.

Senator TOBEY. Well, all the years you went along cozy in the knowledge of the fact that you did not pay an income tax while the rest of us did, you were evading a tax on somebody's just telling you you did not have to pay a tax, is that it?

Mr. CULBREATH. I did not pay it, Senator; that is the truth of it.

Senator TOBEY. Now you are paying it?

Mr. CULBREATH. Yes, sir.

Senator TOBEY. And the \$1,500 are the first installment?

Mr. CULBREATH. Yes, sir.

Senator TOBEY. You realize, of course, when you did not pay the tax that all the rest of the 150,000,000 people had to take up your slack, did they not, to run this Government?

Mr. CULBREATH. Well, I am making amends the best I can. I am going to pay my part.

Senator TOBEY. That is one thing this crime committee has done, made you pay this tax.

Mr. CULBREATH. That is right.

Senator TOBEY. That is to their everlasting credit.

Mr. CULBREATH. Yes, sir.

Senator TOBEY. What about the other gentry in Hillsborough, the other patriots there, did they pay a tax?

Mr. CULBREATH. All over the State.

Senator TOBEY. All over the State they did not pay taxes is that right?

Mr. CULBREATH. Not public officials; no, sir.

Senator TOBEY. Have you called that to the attention of the Internal Revenue Department?

Mr. CULBREATH. Well, it has been in the press.

Senator TOBEY. Had you talked to them about it?

Mr. CULBREATH. No, sir.

Senator TOBEY. Don't you think you ought to have said, "There are thousands more like me who are immune, and you would have a harvest there"?

Mr. CULBREATH. I am sure the publicity that was given to it when the committee was there was such that the internal revenue people knew about it.

Senator TOBEY. Well, you sat back pretty smugly for 9 years and said, "Well, it is a pretty good laugh; I don't pay any tax while everybody else does." That is what you did, did you not?

Mr. CULBREATH. Well, I didn't feel, sir—

Senator TOBEY. You did not feel any conscientious spur on your part that you were getting by in disregard of the law? Oh, you sit there smugly and pass this dope up to me for a minute. I don't believe you thought to pay a tax, and you thought you would try to get by with it, and they picked you up on it, and this is only the beginning.

Let me ask you a question: You have been sheriff there, have you not?

Mr. CULBREATH. Yes, sir.

Senator TOBEY. And there has been wide-open gambling going on in your jurisdiction?

Mr. CULBREATH. No, sir.

Senator TOBEY. Did you close up every gambling house that came to your attention while you were sheriff?

Mr. CULBREATH. Senator, there is not a gambling house in my county.

Senator TOBEY. Well, leaving anything else aside, any other gambling activity, do you close them up freely and courageously?

Mr. CULBREATH. Yes, sir. There is no gambling house and has been none since I have been sheriff.

Senator TOBEY. What about Bolita?

Mr. CULBREATH. Yes, sir; that is a special numbers game that they are still making; they sell it in most every city in the United States.

Senator TOBEY. What are you doing about it?

Mr. CULBREATH. Sir?

Senator TOBEY. What are you doing about it?

Mr. CULBREATH. Well, my record shows that I have taken to criminal court for prosecution 199 cases.

Senator TOBEY. How many didn't you prosecute?

Mr. CULBREATH. Well, just a moment, please, sir.

Senator TOBEY. Yes.

Mr. CULBREATH. Against 33 for my predecessors for the same period of time.

Senator TOBEY. Your predecessor was kicked out of office, was he not?

Mr. CULBREATH. No, sir. One of them was defeated by me.

Senator TOBEY. What happened to him?

Mr. CULBREATH. I defeated him.

Senator TOBEY. You defeated him?

Mr. CULBREATH. Yes, sir.

Senator TOBEY. So your ratio has improved since he left office. How many will the next fellow prosecute after you?

Mr. CULBREATH. That I don't know.

Senator TOBEY. Is there a lot of fallow ground to cultivate down there?

Mr. CULBREATH. I know in my county, Senator, the way they do the numbers business down there, they just walk up and sell you, or take your money or use a telephone and telephone somewhere; they don't give you a receipt or give you a paper or anything. That is the way 90 or 98 percent of it is done.

Senator TOBEY. Well, if you were to face your Maker tonight could you say in all clear conscience that "I, as a sheriff of Hillsborough County have enforced the law to the best of my ability, without fear or favor?"

Mr. CULBREATH. I certainly could.

Mr. RICE. When did you work for Jacob Decker?

Mr. CULBREATH. I can't give you the dates on that.

Mr. RICE. You told us before that you worked from 1929 to 1934 for Decker, at eight or nine thousand dollars a year.

Mr. CULBREATH. I don't remember the dates in there, Mr. Rice. You know——

Mr. RICE. It was after you became constable?

Mr. CULBREATH. The dates are confused. I have too much time in there and unless I can go back and get the figures, I can't give you the exact time.

Mr. RICE. Do you want to change your testimony?

Mr. CULBREATH. No, sir; I don't want to change my testimony.

Mr. RICE. What do you want to say about your working for Decker?

Mr. CULBREATH. I just can't tell you anything different without checking the record or getting a record somewhere; I don't want to misquote it to you.

Mr. RICE. What record do you want to check?

Mr. CULBREATH. Any record I could get from Decker to show the time I was there.

Mr. RICE. You do not have any records yourself?

Mr. CULBREATH. No, sir; I don't have any records.

Mr. RICE. Now, then, were you ever indicted?

Mr. CULBREATH. Yes, sir.

Mr. RICE. What was that for?

MR. CULBREATH. Well, that is when I was a constable, along with the sheriff and other county officials, county solicitor and all.

MR. RICE. With the county solicitor? Was that 1938?

MR. CULBREATH. I think the solicitor—I think they were all indicted, but we were not prosecuted. That was—

MR. RICE. What were you charged with, Sheriff?

MR. CULBREATH. Well, I imagine that was misfeasance, malfeasance in office.

MR. RICE. And didn't J. Rex Farrow—he is the State's attorney, is he not—didn't he send a telegram to the Governor on April 4, 1948, requesting that the Governor remove you and certain other law-enforcement officers and replace them with "honest and courageous men" not politically entangled?

MR. CULBREATH. I would not remember that.

MR. RICE. You do not remember that?

MR. CULBREATH. No, sir; I know that didn't happen.

MR. RICE. That did not happen?

MR. CULBREATH. That is, I know that I was not removed from office.

MR. RICE. Yes. What happened, did they whitewash it?

MR. CULBREATH. I would not say that it was whitewashed. I think they brought in an outside State attorney and an outside judge, and the State attorney nolle prossed some cases and some of them was tried and acquitted.

MR. RICE. Do you have a deputy by the name of K. C. Myers?

MR. CULBREATH. Yes, sir.

MR. RICE. A good friend of yours?

MR. CULBREATH. Yes; he is. I consider all my deputies friends.

MR. RICE. As a matter of fact, he is one of your closest friends, is he not?

MR. CULBREATH. No, sir. I don't make my closest friends within the organization.

MR. RICE. In the office he is one of the closest deputies to you?

MR. CULBREATH. Well, he is no closer than several others.

MR. RICE. Well, now, according to our records Joe Arias—do you know him?

MR. CULBREATH. Who?

MR. RICE. Tampa Joe, Joe Arias.

MR. CULBREATH. That is the one called Port Tampa Joe?

MR. RICE. Yes.

MR. PIERCE. I believe there are two more or less prominently known Latins in Tampa named—

MR. RICE. There is a fellow that I am talking about at the Tin House.

MR. PIERCE. Another one owned the ice house.

MR. RICE. Over at the Tin House.

MR. CULBREATH. The one I know is a cigar picker.

MR. RICE. There are three brothers. Is that the one with the three brothers?

MR. CULBREATH. I don't know whether there are any brothers; he has one brother.

MR. RICE. Well, he works at the cigar company.

MR. CULBREATH. Some cigar factory; he is a picker.

Mr. RICE. Port Tampa Joe; Joe Arias. Didn't you know he was paying \$50 to \$75 a month for Bolita running at the Tin House to your deputy, Myers?

Mr. CULBREATH. No, sir. Knowing Port Tampa Joe as I do I would not believe him under oath, Mr. Rice.

Mr. RICE. You would not believe him?

Mr. CULBREATH. No, sir.

Mr. RICE. Even if he told you—

Mr. CULBREATH. Not on anything. I have known him too long, because I am not sure that he is—well, I don't know whether his mother is living or not, whether he ever became an American citizen.

Mr. RICE. Suppose Port Tampa Joe came to you and said he was paying K. C. Myers \$50 or \$75 a month protection money?

Mr. CULBREATH. I would investigate it, and if I found it true I would fire K. C. Myers.

Mr. RICE. I think the thing to do is to get together with Joe.

Mr. CULBREATH. I would be glad to.

Mr. RICE. Did you ever get any money from the Tin House?

Mr. CULBREATH. Me?

Mr. RICE. Yes, sir.

Mr. CULBREATH. No, sir; not a nickel.

Mr. RICE. Well, didn't Port Tampa Joe support you in the election?

Mr. CULBREATH. No, sir.

Mr. RICE. You are sure about that?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Did he support someone else?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Who did he support?

Mr. CULBREATH. I imagine he supported my opponent.

Mr. RICE. What is his name?

Mr. CULBREATH. Well, there were about five of them in the first race.

Mr. RICE. How about the first election?

Mr. CULBREATH. Well, that was 10 years ago; I don't remember.

Mr. RICE. It would seem to me he supported you when you ran for constable.

Mr. CULBREATH. Well, now, as I ran for constable, he may have. I would not say he didn't, then. I thought you said sheriff.

Mr. RICE. Port Tampa Joe, did he ever visit at your house?

Mr. CULBREATH. Never that I can recall, never.

Mr. RICE. Do you want to make it a little stronger and say that you will deny that he ever visited you at your house?

Mr. CULBREATH. I would not make that statement, Mr. Rice, because as sheriff, many times people of different caliber will come to you to get someone out of jail, or get this, or try to do something. They come to see you and you can't just build a fence around and tell them you can't do it.

Mr. RICE. All kinds of people come to your house?

Mr. CULBREATH. Sir?

Mr. RICE. All kinds of people come?

Mr. CULBREATH. Yes, all kinds.

Mr. RICE. What about Port Tampa Joe? Did he ever come to your house?

Mr. CULBREATH. If he ever came there, I don't remember it.

Senator TOBEY. Senator HUNT just pointed out, to digress for just a few minutes, has pointed out to me on the compilation of your records here, on data which we received from you, in the year 1941 amount deposited in the banks is nil, zero, but your total income in that year reported to the United States was \$11,419. Where did you keep that money?

Mr. CULBREATH. Senator, back in Florida about 1924, 1925, the banks started failing.

Senator TOBEY. This is 1941.

Mr. CULBREATH. Yes, sir; that is right. They started failing about that time, and most people in Florida started taking their money, or what money they made, if they could get it, they kept it out of the banks.

Senator TOBEY. Is that the reason you did it?

Mr. CULBREATH. Yes, sir.

Senator TOBEY. Where did you keep the \$11,000?

Mr. CULBREATH. I kept money in a safe at home.

Senator TOBEY. Where was the safe?

Mr. CULBREATH. At home.

Senator TOBEY. At home?

Mr. CULBREATH. Yes, sir.

Senator TOBEY. But you had a change in heart, because in 1942, from then on, you have deposited money in the bank. What made the distinction between 1941 and 1942?

Mr. CULBREATH. Well, later on the Government insured the accounts stronger.

Senator TOBEY. That is much before 1942.

Mr. CULBREATH. Well, there are still a lot of people down there that are afraid of banks yet, lots of them.

Mr. RICE. All right, sir.

Coming down to 1940, when you went into office, you produced a bond application in which you stated that you had household goods, cash, and bonds, totaling \$30,000. Do you want to change your testimony on that point any?

Mr. CULBREATH. No, sir. I testified that—and I have witnesses to substantiate it—that I first refused to make any statement or give them any statement, financial statement, so finally this attorney says, "Well, give them enough to cover the bond, to make the bond sufficient," and from even in my office, when we take bonds for a person's bond, we only want the bondsman to have enough property to cover the bond.

Mr. RICE. I understood that before. I asked you if you wanted to change that. That is what you said before.

Mr. CULBREATH. No, sir.

Mr. RICE. Well, now, do you want to give us the exact figure that you had in 1940?

Mr. CULBREATH. No, sir; I can't give you any better figure than I gave.

Mr. RICE. What is the best figure that you want to give now as to your total net assets in 1940?

Mr. CULBREATH. Well, I had considerably more than that; it would only be an estimate. I can't give you a concrete figure.

Mr. RICE. Yes, but do not get in too deep. Remember, you lost a house back there in the thirties.

Mr. CULBREATH. Yes; I explained that, sir.

Mr. RICE. You could not pay the mortgage.

Mr. CULBREATH. That was not it.

Mr. RICE. Yes?

Mr. CULBREATH. I explained that to you.

Mr. RICE. You do not want to come on too fast. You remember losing a house?

Mr. CULBREATH. I explained that house deal to you. You see, that same house sold later for less than \$5,000.

Mr. RICE. Yes.

Mr. CULBREATH. And why pay \$13,000 or \$14,000 for it?

Mr. RICE. That was in the middle thirties, if I remember correctly; and by 1940, you had \$30,000 saved up?

Mr. CULBREATH. Had how much?

Mr. RICE. You said you had \$30,000.

Mr. CULBREATH. I had more than that.

Mr. RICE. How much more than that did you have?

Mr. CULBREATH. Well, I said a moment ago that I was willing to give you a figure, but I would not make it a concrete figure.

Mr. RICE. Well, how much did you tell the tax people when you settled up with them here in the last couple of weeks that you made during the 10 years that you did not pay taxes?

Mr. CULBREATH. Well, I filed income-tax reports, I think it was, \$8,300 a year.

Mr. RICE. \$8,300 a year?

Mr. CULBREATH. \$8,300; yes, sir.

Mr. RICE. So you gave yourself a ceiling of \$8,300 a year for the 10 years?

Mr. CULBREATH. I think that is right; either \$8,300 or \$8,500.

Mr. RICE. Now, this included your salary as constable?

Mr. CULBREATH. No, sir.

Mr. RICE. This was over your salary as constable?

Mr. CULBREATH. And that was stated so; yes, sir.

Mr. RICE. Where did the \$8,300 a year come from, Sheriff?

Mr. CULBREATH. It came from the fishing industry that I explained to you, at Tampa.

Mr. RICE. This fishing business?

Mr. CULBREATH. Yes, sir.

Mr. RICE. We have gone over your records that you produced, a little bit, and the testimony, and let us see if this is a fair picture of your position for 1940 on, as to your acquisitions.

Now, before, your total before 1941, you had a home, and two lots, for which you paid \$3,250; three lots, one of which was a cemetery lot which was worth \$500; furniture which you rated at about \$3,000; that was \$6,750, before 1941.

Now, then, you became sheriff in 1941, and in that year you acquired and still hold property for which you paid \$1,705. You were in the Army from 1942 to 1944, and you bought no property during that time.

In 1944 you acquired real property for which you paid \$4,325.

In 1945 you bought real property which cost you \$18,500.

In 1946 you bought more property which cost \$14,750. I don't think you bought any in 1947. But in 1948 you bought property which cost \$1,250.

In 1949 you bought \$5,000 worth of property.

You had war bonds on hand of \$6,500; you had a safe deposit box in the Exchange National Bank with \$360. You had a bank account in Waycross, Ga., with \$9,500 in cash in it; you had a bank account at Punta Gorda, Fla., with \$8,500 in cash; you had an account in the Exchange National Bank of Tampa with \$1,351.94; you had an account in the Marine National Bank of Tampa with \$1,352.66; and you had an account in the First National Bank at Tampa with \$12,724.02; in the Florida National Bank at St. Petersburg you had \$10,200; and the safe at your home you had \$1,805; and in your pockets you had \$300, making a total of \$104,972.62.

Those are your assets at the time you testified, is that right?

Mr. CULBREATH. I presume so; yes, sir.

Mr. RICE. Presume so?

Mr. CULBREATH. Well, if those are the figures, they are the same figures that you put down, and I will have to accept them as right.

Mr. RICE. Do you have any other bank accounts besides that?

The CHAIRMAN. Show him the list, Mr. Rice. Let us see if there is any part of it that he does not agree with.

Mr. RICE (showing witness the document). Is there any dispute about that, Mr. Culbreath?

Mr. CULBREATH. No, sir; I can't dispute it.

Mr. RICE. All right, sir. We will take it as being all of your assets at the time you testified?

Now, did you have any other bank accounts?

Mr. CULBREATH. No other bank accounts; no, sir.

Mr. RICE. Did you have a bank account in Chicago?

Mr. CULBREATH. No, sir; you asked me that.

Mr. RICE. Did you ever have a bank account there?

Mr. CULBREATH. Never had one there; no, sir.

Mr. RICE. Never had one?

Mr. CULBREATH. No, sir.

Mr. RICE. Did anybody in your family ever have a bank account there that you know of?

Mr. PIERCE. Do you have a copy of that recapitulation?

The CHAIRMAN. You can have this one.

Mr. PIERCE. We submitted to the committee in Tampa the compilation that Mr. Rice is using.

Mr. RICE. That is filed as an exhibit.

Mr. PIERCE. By inadvertence we submitted every copy we had. I think you gave us back one copy during the hearing, and it seems that the sheriff left that in Tampa.

Mr. RICE. What was that compiled from, Counsel?

Mr. PIERCE. It was compiled from bank records and balances of the banks, compiled from original deeds that were recorded, showing the documentary stamps on them, which reflected the purchase price, and from other available data, all of which were submitted in connection with the compilation.

Mr. RICE. Well, we will be glad to make available a copy of that for you, Counsel.

Mr. PIERCE. All right.

The CHAIRMAN. At this point let the record show that the chairman is presiding, and has designated himself as a committee of one to hold this hearing.

Go ahead, Mr. Rice.

Mr. RICE. Now, at the time you responded to the subpoena duces tecum in Tampa, you brought in a number of personal bankbooks which have been examined, and we failed to find the bankbook, the passbook, for the Marine National Bank at Tampa. Do you know why that was not produced?

Mr. CULBREATH. No; I thought I gave it to you. The one that was missing was the First National Bank.

Mr. RICE. No; we examined—I think we examined the one at the First National.

Mr. CULBREATH. No; I do not have one of the First National.

Mr. RICE. Didn't you?

Mr. CULBREATH. No, sir.

Mr. RICE. I think you had deposit slips of the First National.

Mr. CULBREATH. I had a few deposit slips.

Mr. RICE. We do not find the passbook for the Marine Bank.

Mr. CULBREATH. Well, if it was not there, I don't have it. I thought it was there.

Mr. RICE. If it is not there, you have it.

Mr. CULBREATH. No; I said if it is not there, I don't have it.

Mr. RICE. You do not have it?

Mr. CULBREATH. No, sir; I thought I turned it in to you.

Mr. RICE. You still have an account?

Mr. CULBREATH. The only one I thought was not produced—

Mr. RICE. You had a figure of \$1,352.66, so I take it you have some records?

Mr. CULBREATH. I contacted the bank, and I have the figure.

Mr. RICE. You contacted the bank?

Mr. CULBREATH. Yes, sir.

Mr. RICE. You do not have to check or double check to see if the bank had made a mistake?

Mr. CULBREATH. No; they said I had how much there?

Mr. RICE. \$1,352.66.

Mr. CULBREATH. \$1,300-and-something, wasn't it? Yes. That is what was there. That is what they gave me.

Mr. RICE. That is what they said, and you are confident what they told you is right?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Since when has your position toward banks changed? There a while back you did not have much confidence in banks?

Mr. CULBREATH. Well, there is not much there. It was checked out. That is all that has been there. That account is dormant.

Mr. RICE. At one time you would not deposit money in banks, you would keep it in a safe deposit box in your home or some other places, because you do not particularly trust banks, in view of the bank holiday?

Mr. CULBREATH. Well, there are lots of people down there that still feel that way.

Mr. RICE. Well, what is it now? Do you trust them or not?

Mr. CULBREATH. No; I would not put all of it there, if I had a lot of money.

Mr. RICE. You would not put it all in, but you would trust them to tell you what they got?

Mr. CULBREATH. What they have in there; certainly that is the only way to find out.

Mr. RICE. All right.

Now, then, we have examined the books, and we find some interesting things. Not counting the deposits of the Marine Bank, which we did not have the pass book of, to examine that, we used the pass-books for the other five banks, and going down through the years, we notice this: that in 1937, your total annual deposits in all of the banks that you had, were \$3,257.70—that is, all except the Marine Bank. In 1938, \$2,887.92; 1939 and 1940 and 1941, nothing, no deposits in any bank.

Now, then, you became sheriff; and in 1942, \$510 was deposited; 1943, \$15,976.71; 1944, \$46,229.92; 1945, \$9,626.91; 1946, \$22,580; 1947, \$3,582.09; 1948, \$11,274.80; 1949, \$8,312.50; and in 1950, \$9,848.95.

Now, on your income tax that you reported, the total deposits are \$134,088.50 from the years 1937 until 1950, not counting the Marine Bank.

Now, since very few of those years are—particularly in the year 1943, for instance, you paid an income tax on a total income of \$2,599.98; that was your total income you reported to the Government, but you deposited in the bank that year \$15,976. How do you account for that?

Mr. CULBREATH. Well, that year I was not even in the sheriff's office.

Mr. RICE. That is right. You were in the Army.

Mr. CULBREATH. That is money that I had previously earned, or had, and I was moving around, so at different times I put some money in the banks.

Mr. RICE. You were moving around, so you put it in the bank; is that the idea?

Mr. CULBREATH. At times I would.

Mr. RICE. Where had you been keeping it before?

Mr. CULBREATH. Keeping it in the safe.

Mr. RICE. In a safe, where?

Mr. CULBREATH. At home. And when I would move around over the country, I would take some of it with me.

Mr. RICE. Now, then you moved it around, and you put it in a bank here and there; is that it?

Mr. CULBREATH. Put it—put some of it in the banks; yes, sir.

Mr. RICE. When did you stop doing that?

Mr. CULBREATH. Stopped doing what?

Mr. RICE. Stopped moving around?

Mr. CULBREATH. When I got back out of the Army.

Mr. RICE. When you got out of the Army?

Mr. CULBREATH. That is right.

Mr. RICE. That was what year?

Mr. CULBREATH. I think that was in 1944.

Mr. RICE. 1944; what month?

Mr. CULBREATH. I don't remember.

Mr. RICE. It was the early part of the year, was it not?

Mr. CULBREATH. I would not say; I don't remember. I think it was maybe April.

Mr. RICE. According to our records, it was in the spring of 1944. You do not find any dispute about that?

All right. In 1944 you paid tax on \$5,133. But that year you deposited in the bank \$46,229. How did you do that?

Mr. CULBREATH. Well, it was just that the bank was getting a little more stable, and people having a little more confidence in them, if you want to put a little more money in it.

Mr. RICE. Your confidence was growing in the banks all the time?

Mr. CULBREATH. Well, I did not have to put all of it in there, or you don't have to keep it all out, just whatever—

Mr. RICE. Before, you were moving around; that was the reason you were putting it in. Now, your confidence in the bank was higher?

Mr. CULBREATH. I didn't say I was moving around; that was partially the reason, but I would not put it all there.

Mr. RICE. I think we understand, Sheriff.

The CHAIRMAN. I notice here, Sheriff, that in 1946 you deposited \$22,580.

Mr. CULBREATH. How much, sir?

The CHAIRMAN. Twenty-two thousand five hundred and eighty dollars, and that year you reported that you earned \$7,500. That is 2 years after 1944. How do you account for that?

Mr. CULBREATH. That was probably at the time that I had figured on buying some real estate, and I was putting some money in the bank to close the deal.

The CHAIRMAN. Then, according to these things, here in 1943, for instance, you put in the bank \$13,000 more than you made. In 1944 you put in the bank \$41,000 more than you made; in 1946 you put in the bank \$15,000 more than you made, just for those years alone, and it seemed that you must have had \$69,000 in a safe deposit box somewhere.

Mr. CULBREATH. Yes, sir; that is possible.

The CHAIRMAN. You think that was \$69,000?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. What is the highest amount you ever had in the safety deposit box?

Mr. CULBREATH. Well, Senator, I couldn't give you an accurate figure, but I have had as much as seventy-five, eighty, eighty-five thousand dollars, maybe a little more.

The CHAIRMAN. Did you think when you started out as sheriff, you would have seventy-five or eighty thousand dollars in the box?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. I do not see how you ever made money like that. You made over ten or twelve thousand dollars a year, but you had your family to support, and a lot of living expenses.

Mr. CULBREATH. Well, it didn't cost a whole lot to live in those days.

The CHAIRMAN. Well, I mean you had, looking over the record, I understand that you had a boat, and you paid \$2,700 for an engine for it.

Mr. CULBREATH. Yes, sir; and—

The CHAIRMAN. Living on that sort of basis—

Mr. CULBREATH. And the boat is used in the office business, too, Senator. You see, lots of my territory, my county is in the water. We have several islands there.

The CHAIRMAN. Well, the office does not pay for the boat, the engine?

Mr. CULBREATH. It certainly should pay for some of it.

The CHAIRMAN. Did it pay for it? Did it buy it?

Mr. CULBREATH. It paid some of it, got some of it out of the office expense.

The CHAIRMAN. You mean as sheriff?

Mr. CULBREATH. Yes, sir; take the expense, I can take the expense from the sheriff's office, and use that.

The CHAIRMAN. How much is the expense allowance for a sheriff?

Mr. CULBREATH. There is not any set figure.

The CHAIRMAN. Mr. Mills and Mr. Rice said that the——

Mr. RICE. On the testimony; but in reviewing the accounts, we found a check drawn for \$2,700 from his personal account for that motor.

Mr. CULBREATH. That is correct. But, at the same time, some of your expense on the boat, you can take money from some other expense item to help defray that expense.

Mr. RICE. Who decides that. Who decides how much you are going to take, Sheriff?

Mr. CULBREATH. The sheriff does.

Mr. RICE. You decide how much you are going to take in expenses as the sheriff's office?

Mr. CULBREATH. Well, subject to review.

Mr. RICE. Who reviews it?

Mr. CULBREATH. The State auditor.

Mr. RICE. The State auditor. Did he ever review that, do you know?

Mr. CULBREATH. Well, they review everything.

Mr. RICE. Do you suppose you have a record in the sheriff's office as to how much was paid for that motor?

Mr. CULBREATH. In the sheriff's office, I wouldn't know.

Mr. RICE. The sheriff's office wouldn't?

Mr. CULBREATH. No.

Mr. RICE. Who has the record?

Mr. CULBREATH. I do.

Mr. RICE. That is your personal account?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Now, then, you said some of the expenses for that motor were shared by the sheriff's office.

Mr. CULBREATH. Well, whatever expense I wanted to charge.

You see, I take out a hundred, \$200, \$300, expenses, or \$400, and use that money as expense in any way that the sheriff's office——

Mr. RICE. I am talking about the payment for the motor itself.

Mr. CULBREATH. The motor was paid for by me.

Mr. RICE. By you?

Mr. CULBREATH. Yes, sir.

Mr. RICE. You are talking about the money it costs to run the motor, now?

Mr. CULBREATH. Well, I am talking about—you certainly would charge some expense, you are entitled to some.

Mr. RICE. Well, now, what records do you give to the auditor so that he can find out on that?

Mr. CULBREATH. The only record the auditor gets is that expense item.

Mr. RICE. You put in an expense item of whatever happened to occur to you?

Mr. CULBREATH. That is right. If you use the expense of an automobile or whatever it is, feeding prisoners, anything like that.

Mr. RICE. One of the bank records that we had here, you did not have a passbook. Is that the First National? That was the First National Bank you gave us deposit slips? I take it from that that you have occasionally made deposits with deposit slips at banks?

Mr. CULBREATH. That is the only way to make it at the First National. I had a passbook and it was lost, and never got another one.

Mr. RICE. At other banks you use deposit slips, do you not?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Suppose you forget your passbook, do you make deposits with deposit slips?

Mr. CULBREATH. Possibly once in a while.

Mr. RICE. Once in a while?

Mr. CULBREATH. Possibly that; it would be very rare.

Mr. RICE. So that you do that occasionally, do you not?

Mr. CULBREATH. I wouldn't say so too regular. I think maybe you found in the Punta Gorda Bank—

Mr. RICE. We merely want to make sure whether we had all of your deposits from the bankbooks and I see now that we do not, and that you would have additional deposits from your deposit slips, which would not be recorded in your books, so that this figure that was used here to show the total deposits would be a low figure. You would have something over that.

Mr. CULBREATH. You had all the deposits, all the money, that had been deposited in the banks.

Mr. RICE. Well, all of your deposit slips would not be in your bankbook if you did not take your book, would it?

Mr. CULBREATH. I think I gave you the Punta Gorda, and I believe there were two that was not entered, but the slips was in the book.

Mr. RICE. Now, without the extra deposit slips that you now are talking about and without the passbook for the Marine Bank, we find total deposits from January 1, 1942, to December 27, 1950, of \$127,942.88.

Mr. CULBREATH. In what banks?

Mr. RICE. They are all the banks, the deposits which do not include the Marine Bank and which do not include these extra deposits you made which are not entered in your passbook; from 1942 until December 1950, we find total deposits of \$127,942.88.

During that time you were making \$7,500 a year, which would total \$67,500 for the same period. How do you do that?

Mr. CULBREATH. Well, some of the deposits—the Marine account was campaign money, and some campaign money was in the First National Bank.

Mr. RICE. I see now. Well, we do not have the Marine Bank, so we will eliminate that. How much campaign money went into the Marine Bank?

Mr. CULBREATH. I wouldn't know. There would not be any way for me to tell you how much. Just like all other candidates they don't know how much they spend.

Mr. RICE. So some of these moneys then are campaign moneys, is that correct?

Mr. CULBREATH. Yes, sir.

Mr. RICE. And you keep your campaign moneys in your personal account?

Mr. CULBREATH. In one occasion it was mixed, but I said the Marine Bank, that was a campaign——

Mr. RICE. That is the campaign account?

Mr. CULBREATH. Yes, sir.

Mr. RICE. That is the campaign account, and that is the one we do not have. If you had an account there why would you intermingle your moneys from a campaign——

Mr. CULBREATH. It has not been intermingled there.

Mr. RICE. It is in your other personal accounts, is it not?

Mr. CULBREATH. That account has been dormant, if you will check, from the time of the election.

Mr. RICE. Are your campaign contributions confined to the Marine Bank?

Mr. CULBREATH. No; I said with the exception of some in the First National.

Mr. RICE. First National?

Mr. CULBREATH. Yes.

Mr. RICE. How much would you have had in the First National from your campaign?

Mr. CULBREATH. I can't give you the exact figure.

Mr. RICE. How many years do you stay in office at a time?

Mr. CULBREATH. Four.

Mr. RICE. And you get campaign contributions every 4 years?

Mr. CULBREATH. Well, like any other man running for office he takes contributions for his campaign.

Mr. RICE. You get your main contributions in campaign years, do you not?

Mr. CULBREATH. That is right.

Mr. RICE. Well, here are a couple of years, like 1946—well, you ran in 1944 and 1948, did you not?

Mr. CULBREATH. I believe that is right.

Mr. RICE. 1946, you deposited \$22,000, you made \$7,500. Where did that money come from?

Mr. CULBREATH. Well, that is getting back to the same question, I think I answered that a moment ago. There is some money that I had on hand.

Mr. RICE. Oh, this is more of the same money, this just coming from——

Mr. CULBREATH. I have testified to that, Mr. Rice, three or four times.

Mr. RICE. From that source. All right. Now, do you want to tell us about any additional income you have had from 1940 until the present from many source except campaign funds, and the salary as sheriff, have you had any other jobs?

Mr. CULBREATH. Any other moneys that came in, you say?

Mr. RICE. Yes.

Mr. CULBREATH. There may have been some small money which I reported, like from one or two little rental places.

Mr. RICE. Yes. A couple of hundred dollars a year, we have those.

You have not been in any other business during that time?

Mr. CULBREATH. No, except what I have testified to.

Mr. RICE. No, then, again going back to the bank deposits, we note that you deposited \$34,400 in the Florida National Bank at St. Petersburg during the period immediately after you left the Army, from July 14, 1944, to October 30, 1944, which is only 3 months and a half there, and you had some round-numbered amounts on July 14, where you had \$7,900 deposited; on the 28th, \$8,500; 31st of August, \$8,000; and the 30th of October, \$10,000.

Where did that money come from?

Mr. CULBREATH. That is money that I had, and a moment ago I testified that I was figuring on buying some property and making a real estate deal was the reason I put that money there.

Mr. RICE. Where did this money come from?

Mr. CULBREATH. Money that I had made previous.

Mr. RICE. Where were you keeping that?

Mr. CULBREATH. Well, that is the same money that I testified several times about that I had in the safe.

Mr. RICE. This is the safe in your house?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Well, there is something wrong somewhere, because you accumulated here \$34,000 getting ready to buy some property, but during that year you only bought \$4,000 worth of property.

Mr. CULBREATH. That is because the deal didn't go through.

Mr. RICE. The deal did not go through?

Mr. CULBREATH. Yes, sir. That is what I say I was getting ready buy some there. I certainly would not have been putting it there if I had not figured on buying it.

Mr. RICE. What particular parcel were you talking about?

Mr. CULBREATH. Well, there was no particular parcel; there is a lot.

Mr. RICE. It was not the one that you bought from John Torrio, was it?

Mr. CULBREATH. Well, I bought that and used some of that money for it.

Mr. RICE. Yes.

Mr. CULBREATH. Yes, sir.

Mr. RICE. That was later on.

Mr. CULBREATH. But I didn't know who I was buying that from and, as a matter of fact, I am offered \$40,000 for that piece now.

Mr. RICE. When you were accumulating this money in the bank why did you break it down into four different deposits instead of just taking it in one lump?

Mr. CULBREATH. Well, if I would go over there, I would not want to take a whole, one lump at one time.

Mr. RICE. Why?

Mr. CULBREATH. There is such things as sometimes you lose it or someone will take it away from you.

Mr. RICE. What was that?

Mr. CULBREATH. Sometimes one could take it away from you if they knew it.

Mr. RICE. Sometimes someone would take it away from you?

Mr. CULBREATH. That is right.

Mr. RICE. You are the sheriff.

Mr. CULBREATH. That is right, but I am human just like you.

Mr. RICE. All right, let us hear the explanation.

Mr. CULBREATH. That is it.

MR. RICE. And who were you afraid was going to take it away from you?

MR. CULBREATH. I just did not want to take the whole sum at one time is all.

MR. RICE. I see.

Now, for instance, \$7,900; why take \$7,900 instead of, say, \$8,000?

MR. CULBREATH. Well, I could have taken \$7,500; it would not have made any difference.

MR. RICE. And you were afraid that if you took more than \$10,000 someone might take it away from you?

MR. CULBREATH. They might take it away if you take 10, they might take it away if you take 5; it is best not to put all your eggs in one basket at one time.

MR. RICE. Now, it looks to me like you had quite a few eggs in that safe.

MR. CULBREATH. Yes, sir.

MR. RICE. What do you want to say about that? That is one basket, is it not?

MR. CULBREATH. Well, I guess that was about as closely guarded as I knew how to do it. It was right in my home.

MR. RICE. It was right in your home and you were up in the Army in Georgia somewhere.

MR. CULBREATH. Well, I had someone there.

MR. RICE. Someone there. Who was that?

MR. CULBREATH. Well, someone lived in my home at the time.

MR. RICE. You were the only one, though, who knew the combination?

MR. CULBREATH. Yes, sir.

The CHAIRMAN. You say you were or you were not? You were the only one who knew the combination?

MR. CULBREATH. Yes, sir; that is right, sir.

MR. RICE. How big a safe was this?

MR. CULBREATH. Mr. Mills saw it. It is about so wide and about so high.

The CHAIRMAN. Well, you are indicating about—let us see, how wide is it?

MR. MILLS. It is about 2 feet wide.

The CHAIRMAN. About 2 feet wide?

MR. MILLS. And about 2½ high and about 2½ feet deep.

MR. CULBREATH. That is right.

The CHAIRMAN. How much did it weigh?

MR. CULBREATH. I imagine four or five hundred pounds.

The CHAIRMAN. A couple of men could carry it?

MR. CULBREATH. They have their hands full and I think Mr. Mills could testify that where I had it and all it was concealed pretty well and fixed in a place where it would be a problem to get it.

The CHAIRMAN. Weren't you afraid, being away 2 or 3 years, someone might pick up the safe and carry it out?

MR. CULBREATH. Well, you might be afraid of that, Senator, but you have to take a chance sometimes, I guess.

The CHAIRMAN. How long were you away from your home during the time before you came back after the service?

Mr. CULBREATH. Well, I had come back every, oh, maybe 60 days, or maybe 3 months, 90 days.

The CHAIRMAN. Well, was your wife with you where you were?

Mr. CULBREATH. No, sir; she lived in the home.

The CHAIRMAN. She stayed at home?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. Would she come to see you at times?

Mr. CULBREATH. Once or twice, I think.

The CHAIRMAN. Where were you stationed—up in Georgia?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. Where?

Mr. CULBREATH. At Waycross.

The CHAIRMAN. And when she would come to see you, who would stay at the house?

Mr. CULBREATH. I had a son who lived there.

The CHAIRMAN. He lived there in the house?

Mr. CULBREATH. Yes, sir. He went to school.

The CHAIRMAN. Sometimes the house though would be empty, would it not?

Mr. CULBREATH. Possibly; yes, sir; for just a while.

The CHAIRMAN. Your wife would be away and your son would leave and the house would be empty?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. Did that give you any worry?

Mr. CULBREATH. Yes, sir; it did.

The CHAIRMAN. You mean about that \$75,000 or \$80,000?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. Why didn't you get a safe deposit box in the bank and put it all there?

Mr. CULBREATH. Well, I used—some of my deputies were told to keep an eye on my home when I was away, so that they would pass by there and check it.

The CHAIRMAN. But you did not tell them you had \$80,000 in the safe?

Mr. CULBREATH. No; I just asked them to keep a close watch on it.

The CHAIRMAN. What if the house had burned down, what would happen?

Mr. CULBREATH. It would have just been too bad.

The CHAIRMAN. It was not any fireproof safe, was it?

Mr. CULBREATH. Yes, sir; it is supposed to be a fireproof safe.

The CHAIRMAN. But a small safe like that, the thing might burn up, might it not?

Mr. CULBREATH. If it did, I would just be out of luck.

The CHAIRMAN. You would just be ruined?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. I assume you put this money in the Waycross bank because you were stationed up there at Waycross?

Mr. CULBREATH. Well, I was stationed there, and then, of course, the Army pays you by check, and I opened an account and put some more money in there.

The CHAIRMAN. Well, you got a lot of money in the Waycross bank.

Mr. CULBREATH. Well, I have about \$8,500, \$9,000.

The CHAIRMAN. And you just left it there when you left the Army?

Mr. CULBREATH. Yes, sir; it is just dormant there.

The CHAIRMAN. Why did you have them put some money in the Alabama bank?

Mr. CULBREATH. I don't have any in the Alabama.

Mr. RICE. Punta Gorda, Fla.

The CHAIRMAN. I mean Florida.

Mr. CULBREATH. Well, I was transferred there.

The CHAIRMAN. In the service?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. How long were you there?

Mr. CULBREATH. I was there. I think, about 7 or 8 months.

The CHAIRMAN. You did not accumulate \$8,500 while you were there, did you?

Mr. CULBREATH. I had that money when I went there.

The CHAIRMAN. You had it with you?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. How long were you at Waycross?

Mr. CULBREATH. I would say about 9 months, maybe a year, somewhere around a year, about 9 months.

The CHAIRMAN. And you accumulated \$9,500 while you were there?

Mr. CULBREATH. Well, I had the money and I put it in the bank.

The CHAIRMAN. When you go home you get some money out of the safe and put it in your pocket and then put it in the bank?

Mr. CULBREATH. Well, I might put some in my pocket and put it in a bank.

The CHAIRMAN. All right. Mr. Rice, go ahead.

Mr. RICE. While you were up at Waycross what was your rank?

Mr. CULBREATH. I was a major there.

Mr. RICE. You were a major? Were you a member of the officers' club there?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Did they have slot machines at the officers' club?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Did you have anything to do with the slot machines?

Mr. CULBREATH. Nothing at all.

Mr. RICE. Didn't you have the duty or the job of making the collection from them from time to time?

Mr. CULBREATH. Never did.

Mr. RICE. Are you sure about that?

Mr. CULBREATH. Positive.

Mr. RICE. You never emptied the machine and counted the take?

Mr. CULBREATH. Never emptied or counted it.

Mr. RICE. Did you ever play them?

Mr. CULBREATH. Put a few nickels in them, not many, because I don't believe in them.

Mr. RICE. Did you have anything to do with the committee that counted the money in those machines up there?

Mr. CULBREATH. No, sir. You had a club officer.

Mr. RICE. Yes.

Mr. CULBREATH. And he handled all the club activities.

Mr. RICE. Weren't you the club officer who handled that?

Mr. CULBREATH. No, sir.

Mr. RICE. Are you sure about that?

Mr. CULBREATH. Positive.

Mr. RICE. How about at Punta Gorda, did you have an officers' club there?

Mr. CULBREATH. I don't believe we did, I am not sure; I don't think we did.

Mr. RICE. You did not have slot machines there?

Mr. CULBREATH. Not that I remember.

Mr. RICE. How come you to be transferred from Waycross to Punta Gorda?

Mr. CULBREATH. That is military business.

Mr. RICE. You did not have anything to do with that?

Mr. CULBREATH. No, sir.

Mr. RICE. Were you in any difficulty there? Were you in any difficulty at Waycross?

Mr. CULBREATH. No.

Mr. RICE. It was not disciplinary transferring?

Mr. CULBREATH. It certainly was not.

Mr. RICE. Now, then, you left the Army in 1944. The war was still going on. Why was that?

Mr. CULBREATH. Well, I think that is when they turned out some officers, beginning to cut down the Armed Forces and turned some of them out.

Mr. RICE. In the spring of 1944?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Cutting the officers down then?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Was that the reason, reduction of force?

Mr. CULBREATH. Yes, sir. Wasn't you in the Army?

Mr. RICE. I asked you if the reason was reduction in force.

Mr. CULBREATH. That is why it would be. If you were in the Army I am sure you would be familiar with it.

Mr. RICE. In the spring of 1944?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Now, sir, there were a number of witnesses who testified down there in Tampa that they were connected with Jimmy Velasco, who was murdered on December 12, 1948, and they told us of the story of how the payoff to you was \$1,000 a week. What do you have to say about that? That is, the payoff from Velasco, the Velasco group of gamblers to you of \$1,000 a week; what do you have to say about that?

Mr. CULBREATH. Well, I would say that that is false. I have a statement here that I would like to file with you, answering each one of those witnesses.

Mr. RICE. All right, sir.

The CHAIRMAN. You can file it and you can read it, or make any explanation you want to.

Mr. CULBREATH. Will it be all right for Mr. Pierce to read it for me?

The CHAIRMAN. How long is it?

Mr. CULBREATH. Twenty-seven pages.

The CHAIRMAN. Well, Mr. Pierce—I mean, do you have copies?

Mr. CULBREATH. Yes, sir.

Mr. PIERCE. I might say this, Senator, if I may: Not all of that is in direct reply to the testimony given by these various witnesses in Tampa. Probably from one-half to one-third of the total 27 pages

are devoted to answering those witnesses, so when I say 27 pages, it probably does not reflect accurately the time that would be consumed in answering just particularly what Mr. Rice asked about.

The CHAIRMAN. Part of the purpose of this hearing is to give Sheriff Culbreath a full opportunity for being heard on these matters that he felt he was not sufficiently heard on.

Mr. PIERCE. And we appreciate that.

The CHAIRMAN. We will let you read it or you can file it, and it will be made a part of the record, and the sheriff can tell about it, whichever way you want to do it. I mean, we can file it and give it to the press or copies to the press, or you can take them up and state them orally, whichever way you can do it.

Mr. PIERCE. Senator, if it would not be too much, and if we would not presume upon the committee's time too much, we would prefer, above everything else, to read it.

The CHAIRMAN. It is all right. Go ahead. Give us copies of it.

Mr. PIERCE. All right, sir.

The CHAIRMAN. Are you going to do the reading?

Mr. CULBREATH. If it is permissible with the Senator, I would like to have Mr. Pierce read it.

The CHAIRMAN. Did you write this or did the sheriff write it?

Mr. PIERCE. I wrote it myself in consultation, personal consultation, with the sheriff.

The CHAIRMAN. You can read it if the sheriff wants to adopt it as his sworn testimony.

Mr. PIERCE. The sheriff has signed it and has sworn to it.

The CHAIRMAN. Very well; read the pertinent parts but try not to—at the present time why don't you read the part in answer to the statements of people who testified about the sheriff down there?

Mr. PIERCE. I have taken up, Senator, each witness who testified against the sheriff with reference to any gambling or vice operations in Hillsborough County.

The CHAIRMAN. All right, let us get going, Mr. Pierce.

Before you proceed further, the entire statement is made a part of the record and will be copied into the record at this point.

Let us have it understood again that this is the sheriff's testimony and that it is just as if he were stating this.

(The sheriff's statement is identified as exhibit No. 13, and appears in the appendix on p. 488.)

Mr. PIERCE. The same as if he were narrating it under oath before this committee himself; is that correct?

Mr. CULBREATH. Yes.

The CHAIRMAN. For all rules of perjury.

Mr. PIERCE. Yes, sir. I had him swear to it for that purpose and it is filed and made a part of the record.

The CHAIRMAN. He swears to it now?

Mr. PIERCE. Yes, sir.

The CHAIRMAN. You may proceed.

Mr. PIERCE. Mr. Chairman, I have several exhibits that I refer to in this statement.

The CHAIRMAN. Those will be read into the record following the reading of this statement.

Mr. PIERCE. Yes, sir. [Reading:]

Supplementing my telegram to this committee of February 14, 1951, in answer to the committee's telegram to me of February 13, 1951, calling me to this hearing, I desire at the outset to express my appreciation to the full committee for providing me with this opportunity to again appear before the committee and give to the committee the true facts concerning the false, reckless, and, in some instances, malicious charges made by some of the witnesses against me at the recent subcommittee hearing in Tampa last December. I had been assured from the published statements of the chairman that I would be given this opportunity and I am grateful for such privilege being now accorded me.

With respect to my administration as sheriff of Hillsborough County, Fla., I would like, to begin with, to give this committee a brief outline of my official background. From the first part of 1933 to January 1941 I was constable for two 4-year consecutive terms in the most populous district in Hillsborough County, Fla., wherein Tampa is located. Under Florida law such office of constable was not a full-time office and I pursued my former vocation as a salesman and representative of various national meat-packing concerns. My compensation as constable was based upon fees from the office, not salary. After being elected and serving the two 4-year terms as constable, I ran for sheriff of Hillsborough County, Fla., in 1940, was elected, and took office in January 1941. Thereafter I was reelected in 1944 and again in 1948—all for 4-year terms. My present term expires in January 1953. Sheriffs in our State are elected for a term of 4 years and are eligible to succeed themselves indefinitely. I am the only sheriff in the past 54 years in my county to be reelected to succeed himself, and am the only sheriff in the history of my county to be elected for three successive terms.

During my tenure as sheriff of Hillsborough County, Fla., my county has been singularly free of any form of gambling, except what is locally known as bolita or Cuba. No gambling houses, clubs, casinos, or other similar establishments have existed, although prior to my being sheriff there were many such houses reportedly in operation, during regimes of many previous sheriffs. The absence of such gambling houses during my time as sheriff will, I believe, be conceded by all concerned, be they friend or foe.

Cuba or bolita is a variation of the old numbers game. It supposedly derives from the Latin countries, and as you may know, we have a quite substantial Latin population in and around Tampa. I make no claim that bolita or Cuba is now, or has ever been, suppressed in my county. On the other hand, I do say that while I have been sheriff there has been less bolita or Cuba operations in my county than at any time previous to my being sheriff. Furthermore, and what I particularly want to emphasize is that what bolita peddling there has been, has been strictly local, with no known ties with any similar or allied element of other cities, other counties, other States or other countries. My strongest support for this statement is that, during my almost 20 years tenure as a chief law-enforcement officer in my county, there has never been any accusation to the contrary, even by my most ruthless political opponents. When I have hereinbefore mentioned Cuba, I want it understood I was not referring to the Cuban national lottery tickets which are sold in Cuba and some of which sometimes get to the States. There has been no Cuban national lottery tickets in Tampa, so far as my knowledge or information goes, since long before I took office originally as constable. The word "Cuba" as used in this connection in Tampa is a loosely coined term to describe a form of bolita or numbers game.

Bolita or Cuba is a form of gambling difficult to contend with from a law-enforcement standpoint, even when operated strictly locally. State laws of Florida governing arrests, searches and seizures, etc., are very liberal and favorable to the citizen, which, of course, includes suspected persons and even those we know in our own minds are peddling bolita. There has been considerable agitation in Florida over the past year or so to strengthen State statutes at the next legislature, convening in 1951, so as to make it less difficult for law-enforcement officials to successfully arrest and convict gambling operators. Furthermore, indications are, judging from reports of arrests and searches of suspects made by deputies of my department, that local bolita transactions, even though carried on surreptitiously, are done without any visible or tangible evidence, usually by word of mouth.

By all the foregoing I mean to say that the only gambling now carried on in Tampa is bolita or Cuba and that even that, although it does exist surreptitiously, is not widespread and is strictly local with no outside or foreign connections so far as is known, and the extent of it, even locally, is relatively small.

As for traffic in narcotics, which, of course, is a Federal offense punishable in the Federal courts when interstate or foreign aspects are involved, I can only say that, from my knowledge of the situation, Tampa and Hillsborough County, Fla., are freer today of the narcotic evil than at any time in history. In fact, Mr. A. P. Rogers, formerly in charge of local Federal narcotic enforcement, and recognized as one of the ablest narcotic agents in the country, was transferred from Tampa several years ago to another headquarters, and I believe the Federal enforcement locally has been handled out of the Jacksonville office since that time. We have a State narcotic law, but the enforcement of the State law is handled largely by the State board of health, which has its headquarters in Jacksonville, Fla., and even the local agents, I believe, work out of the Jacksonville office. We have no particular local problems in the field of narcotic traffic. Counterfeiting is also locally at an absolute minimum. All of this can be quite easily substantiated by this committee checking with the Federal law enforcement authorities in Florida.

All of the foregoing with reference to diminishing conditions of local gambling in my county is abundantly supported by the public record, by periodic investigation by public official bodies, such as our local grand jury, our local county solicitor, who has the same inquisitorial and investigative power and authority as our local grand jury as to all crimes less than capital, including gambling, by privately constituted committees of public-spirited citizens, such as our local ministerial committee, by the open public speaking platform and radio and newspaper outlets afforded and utilized by all rival candidates and supporters thereof during political elections every 4 years, and in various other ways, and the result of such investigations, during my tenure in office, has been to establish the fact of a constantly diminishing extent of gambling operations in my county.

For instance, I file with the committee herewith, and as a part of this statement, an original copy of the issue of the Tampa Daily Times of Friday, April 1, 1949, containing in full the official Hillsborough County grand jury's report that day returned and filed in the office of the clerk of the circuit court for Hillsborough County, Fla., which contained the grand jury's report to the people of the reported gambling situation and gambling conditions in Hillsborough County, Fla., and the political activities and efforts on the part of certain disgruntled and discredited local politicians to bring about my removal as sheriff by the Governor of Florida under his constitutional powers of suspension. Said grand jury report was lengthy and somewhat in detail and covered the entire political and so-called gambling situation in my county and was drawn up and returned by said grand jury after months of official investigation by its 18 members drawn from the body of the county. This April 1949, grand jury report is not the only one in that vein, but merely one of several during my terms as sheriff, and is illustrative of all, and, in fact, said April 1949 grand jury report expressly calls attention to other similar grand jury reports. I will not attempt to give any elaborate résumé of that report, but will suffice to call this committee's attention to one excerpt therefrom as corroborating what I have previously herein said about gambling conditions in my county during my time as sheriff being at a minimum. I quote from the April 1949, grand jury report (p. 10, column 2, Tampa Daily Times, issue of Friday, April 1, 1949, filed herewith as exhibit 1, and made a part hereof):

"We find that conditions with relation to gambling during the forties have certainly been a great improvement over the thirties. This is evidenced by reference to the grand jury reports mentioned, and others, and by the fact that there has been only one killing, in more than 8 years. It is, also, clear from witnesses appearing before us and from our general knowledge that conditions since December 1948, have been an improvement over the previous several years, and that for the past several months commercialized gambling has definitely been at a true minimum."

Furthermore, during October and November 1947, a privately constituted and privately appointed citizens' committee or ministerial committee, as it was also called, investigated local gambling conditions in my county in response to various urgings, rumors, and hearsay peddled and bruted about surreptitiously in my county (which incidentally has been going on in my county as long as I can remember since long before I was ever constable or sheriff). I had nothing to do with the composition of said citizens' committee, or how it operated, how it made its investigations and certainly imposed no obstacle or impediment in its path. On December 5, 1947, said citizens' committee made its official report, which was contained in the issue of the Tampa Daily Times of Friday, December 5, 1947, complete copy whereof is herewith attached hereto and filed with the committee

as exhibit 2, and as a part of this statement. Said citizens' committee report found and declared there was less gambling in my county than in previous years and commended the public officials, which naturally included myself, for what said committee described as "this improved condition." This report also declared that the existence of an organized syndicate for gambling purposes for my county had not been established. The committee report also commended the local law-enforcement officers, which naturally included myself, for "displaying the greatest willingness to cooperate with the committee in every way possible." Said report was signed by four Tampa ministers, three prominent Tampa church lay leaders, and the local Salvation Army captain. Their names are as follows as carried in said issue of the Tampa Daily Times of Friday, December 5, 1947, page 1, column 8: Rev. Harry H. Waller, chairman; Rev. C. H. Matheny, secretary; Rev. William H. Kadel, Rev. J. Earl Tharp, Robert S. Carnes, J. G. Bedingfield, Salvation Army Capt. O. O. Ward, and James C. Handly, members.

In connection with the citizens' committee report just previously mentioned, I attach hereto and file with the committee as exhibit 3, a copy of the editorial page, page 4, of the Tampa Daily Times, of its issue of Saturday, December 8, 1947, containing said newspaper's editorial reaction to said committee report. I quote the following excerpt from said editorial:

"The final report of the citizens' committee on gambling is one that can be accepted with the *fullest confidence by the public*. The frank pronouncement by the committee that there is gambling going on, but at a *far less extent than in previous years recognized the truth*. It showed the committee refused to be misled by *exaggerated charges of syndicate gambling*.

"The committee's findings are clearly based on facts developed through *thorough and extended investigations* of their own. *The conclusions and recommendations* offered by the committee can be highly commended for their *soundness*.

"All in all, the gambling investigating committee has done a good job of *exploding the wild rumors about big-time gambling operators*." (Italics mine.)

Another thorough and private investigation, wherein I also had no connection, of comparative recent date, was that made by and at the direction of the present Governor of Florida, Hon. Fuller Warren, who in the spring of 1949 sent his personal and trusted investigator, Mr. J. J. Elliott, and Mr. Ed Garner (now deceased), into my county of Hillsborough, together with an outside prosecutor, Hon. Grady Burton, of Sebring, Fla., with a long record of many years experience as State attorney in his Florida judicial circuit, for the purpose of thoroughly investigating the rumors and charges bandied about concerning alleged gambling activities in my county, disseminated incidentally, by the same identical witnesses and the same identical sources, which the subcommittee heard and listened to last December in Tampa. Governor Warren wanted a thorough and impartial investigation and he got it, uninfluenced in any way by me. This investigation failed to support or establish the existence of the unfounded rumors and charges made, and the result of such investigation was, to some extent dealt with in the grand jury's aforesaid report of April 1949.

Another such public investigation made by a separate public agency, also in connection with so-called gambling activities and gambling payoffs in my county, of a comparative recent date, but prior to this subcommittee's hearings in Tampa last December, and however, concerning the same general subject matter, was that which was conducted by the county solicitor of Hillsborough County, Fla., Hon. V. R. Fisher. Under Florida law, the county solicitor of my county is in effect a one-man grand jury as to all crimes and offenses less than capital, which of course, includes gambling and bribery. The grand jury itself is not deprived of such authority, but it is merely granted by law to the county solicitor as coextensive with that of the grand jury in its limited field. In the early spring of 1949, a certain alleged "payoff list" was publicly exhibited by one P. Joseph Rodriguez, who is a member of the City Board of Representatives of Tampa. Alleged photostat copies thereof were widely distributed locally. The payoff list was supposed to be a leaf of paper taken from the papers and effects left by Jimmy Velasco, who was killed in Tampa on December 12, 1948. The so-called list was supposed to contain notations indicating amounts of money and other considerations given to various public officials, including myself, from time to time by Jimmy Velasco during his lifetime, supposedly for protection and favors granted to Jimmy Velasco, who was supposed to be a big figure in the alleged local gambling racket. The authenticity and, in fact, the actual genuineness, of the payoff list was a principal subject of investigation by County Solicitor Fisher and also by the county grand jury itself, each independent but simultaneous, during the early spring of 1949.

On April 4, 1949, extensive and detailed public reports were given by both said grand jury and Solicitor Fisher, each independent of the other. Both said reports, however, branded said alleged payoff list as completely false, a palpable forgery and a fabrication from start to finish. Said P. Joseph Rodriguez was personally and by name accused in both official reports as being the instigator of such false documents. Shortly after these reports were made public, the Tampa City Board of Representatives officially by resolution called upon said board member P. Joseph Rodriguez to resign his position on said board of representatives because of his "indefensible conduct" in connection with the perpetration of said so-called payoff list. This is the same Mr. P. Joseph Rodriguez who was publicly thanked at the conclusion of this subcommittee hearing in Tampa last December for his "valuable and most helpful" assistance to the staff of this committee "in its difficult task." I attach hereto and file with this committee issues of the Tampa Daily Times of Monday, April 4, 1949, and Wednesday, April 6, 1949, as exhibits 4 and 5, respectively, and made a part hereof, which abundantly support the statements herein made with reference to the public reports officially branding the alleged payoff list produced and distributed about by P. Joseph Rodriguez, as a hoax, a fraud, and an outright forgery. The said grand jury report as contained on the first page of said issue of April 4, 1949, intimated that said Rodriguez would have been indicted and prosecuted for bribery in connection with an automobile which the grand jury stated Rodriguez had admitted that Jimmy Velasco had bought for Rodriguez during the 1948 political campaign, were it not for the fact that Rodriguez had been subpoenaed and had testified before the county solicitor concerning the same and had therefore received immunity under the Florida State law.

My experience of 8 years as constable and into my eleventh year as sheriff of my home county, has quite forcibly demonstrated to me, as I feel sure similar experiences have demonstrated to all of us, that it is manifestly impossible for a public official, particularly a chief law enforcement officer, to be exempt or immune from false and malicious rumors, charges, hearsay, and groundless accusations, from harping critics, jealous and disgruntled politicians, miscontents, malcontents, has-beens, would bes, incompetents, opportunists and other plain and assorted gripes and chisellers. We will always have our detractors, some violent, explosive and vituperous, others passive, subtle and insidious. As I say, I have been no exception as the object of such abuse. On the contrary, I could well qualify as exhibit A. In my county, and in fact in my State, we take our politics seriously, and the loser sometimes is not inclined to forgive and forget. In my local community of Tampa, the Latin temperament which is present in large proportion, may to some extent be responsible for this.

This constantly rekindled fire of local political animosities has been largely, if not entirely, responsible for the grand jury investigations, citizens' committee investigations, etc., which, as I have hereinbefore mentioned, have been made and conducted from time to time over the years in Hillsborough County, Fla., and such group is as persistent as it is obnoxious. Thus, this Kefauver committee or more accurately the subcommittee of one member sitting in Tampa last December, heard testimony, adduced through the use of carefully selected and channeled questions by committee counsel from witnesses, mostly Latin, who had been previously repudiated and discredited by official public investigations, such as grand jury investigations, citizens' committee investigations, Governor's investigation, etc. The Kefauver subcommittee heard these witnesses for the first time and they heard only the answers to carefully selected questions. But the committee heard no searching cross-examination of these witnesses, nor evidence which such witnesses would have had to give to other questions which would have brought out, in some instances, the whole truth instead of a half truth, heard no evidence which would have been given in response to other questions not asked, which, in other instances, would have brought admissions that the whole picture was fabricated; received no evidence as to the background or character of such witnesses except such as they were pleased to provide for themselves, and heard no testimony from other and reliable witnesses who would have completely and effectually disproved the false and distorted gambling picture sought to be left by such witnesses. Lastly, the committee received no evidence, at least publicly, that such witnesses and their respective testimony had been discredited and repudiated by previous inquisitorial bodies.

Illustrative of this is the reaction of the present police chief of Tampa, Malcolm C. Beasley, who stated publicly at a meeting of the Optimist Club in Tampa a few days after the subcommittee's hearing adjourned in Tampa last December, that the testimony of the witnesses before this subcommittee was merely a rehash

of previous testimony given to the local grand jury and that "there were no facts or evidence on which anyone could be indicted." After hearing Chief Beasley's remarks, another member of the Optimist Club present arose and identified himself as a member of the previous grand jury and he stated that the evidence before this subcommittee was the same evidence previously brought before the grand jury "and that it was insufficient to indict anyone." I attach hereto and file with this committee as exhibit 6, and made a part hereof, a clipping from page 11 of the issue of the Tampa Morning Tribune of Thursday, January 4, 1951, containing the report of said remarks made at said meeting of the Optimist Club which supports the statements herein made.

I proceed now to a denial, in as brief detail as possible, of the charges, accusations, gossips, hearsay, innuendoes, and plain false statements made against me by some of the witnesses at the Tampa hearing of this committee. Such charges have been repudiated by my testimony and the testimony of many other and prominent citizens in my community on previous occasions of public investigation as before-mentioned, but I desire to do so before this committee and by this written statement under oath for the sake of the official and permanent record of this honorable committee.

A man by the name of Noah W. Caton, testified at the Tampa hearing of this committee. He stated he installed a marine engine on a fishing boat of mine, which is true. Asked how much the motor would be worth, Caton replied in his testimony that "the new price of it would be, possibly \$3,000" (Tr. 66). The truth of the matter is that the motor he installed was an old second-hand motor purchased by me from Mr. Leroy Allen, prominent attorney of Tampa, for the sum of \$200. He testified we talked about going into some kind of business "on the beach" before the war. The truth is we never discussed any business whatever of any kind or nature before or during the war until along in 1945; when he came in my office in the Tampa Courthouse and solicited my help in trying to get him out of some kind of trouble that he had apparently gotten into out at MacDill Field, a prominent air base near Tampa, where he had apparently been employed in some capacity during the war. It seems there was some kind of a cloud hanging over his head at the post and he wanted to get me to help him get it lifted. I knew of no way I could help him, and told him so, but my understanding is that in some way, whatever trouble it was, was successfully gotten out of the way. Along about that time Caton also solicited my help in trying to get into some kind of fish or water-front business over at the Gulf beaches and I did consent to help him get started and in fact advanced him some \$200 or \$300, but in the course of weeks thereafter he kept coming back for more and more money and I finally told him I just could not go along any further with him. He apparently resented the fact that I had to stop helping him. Concerning the entire transaction regarding the so-called fish house at Pass-a-Grille, in Pinellas County, Fla., purchased from a Mr. Zekosky (this is not the correct spelling of his name but it is the way he is referred to in previous testimony before this committee in Tampa), I believe I testified myself concerning same in Tampa, but in any event Mr. David Westcott, prominent businessman in Tampa, testified fully about it during the Tampa hearing and I refer this committee to such testimony for the true picture concerning all phases of the so-called fish house.

One Paul Giglio, testified before this subcommittee in Tampa. He identified himself as being in the hardware business associated with one Frank Morales, but also admitted that he had been in the "bolita business" beginning around 1942 (Tr. 210). He stated he sold bolita for one Frank Pardo, whom he stated was now deceased, also for one Sam Lumia, as to whose present whereabouts he professed not to know (Tr. 211). He admitted he had been arrested some 8 or 10 times, but would be bailed out on bond and the bond would be estreated (Tr. 213, et seq.). He admitted he was arrested by three deputy sheriffs from my office not too long before the Tampa hearing (Tr. 219, et seq.). He testified that in 1948, while I was running for reelection he had had a conversation with me in my office and that I told him and his brother-in-law, Frank Morales, "to go straight and be sure that we go straight," and that I had heard "he was campaigning for the other fellow" (Tr. 222). He stated that during the second or runoff primary he "switched" to support me and came to my office with his brother-in-law Morales and also Mr. Cy Young, a member of the City Board of Representatives of Tampa, and gave me an envelope containing \$500 as a campaign contribution (Tr. 222, et seq.).

I attach hereto and file with the committee as exhibit 7, sworn affidavit of Mr. A. H. Young, known as Cy Young, whom Giglio admitted was present at the time. Mr. Young's affidavit establishes the fact that the entire conversation was

about politics and that nothing dishonest or illegal was discussed or mentioned by anyone. I never opened the envelope but turned it over to Mr. John Broadus, one of my deputies, who was handling the finances in my campaign. I do not know how much money was in it or if there was any at all in the envelope. Giglio stated that a few days after that he brought in another \$1,000 (Tr. 225). That is absolutely untrue. He stated my deputies began harassing him and "picking" on him. So far as I know this was not true. I certainly gave no orders such as that and would promptly have suppressed it if it had happened. He further testified that after the election, Jimmy Velasco told him to take an envelope containing what Jimmy said was a sum of money, to me. He referred to the envelope vaguely as "rent money" and referred to me as "the old man" (Tr. 227, et seq.).

All of this is completely untrue. A careful reading of Giglio's testimony at that point will disclose he never said he ever delivered me any of such money. Insofar as my ever receiving such money or knowing anything about it, if it existed, his testimony is absolutely untrue. As to any meetings between Giglio and any other bolita peddlers, I know nothing about same and have serious doubts it ever happened (Tr. 231). As to Giglio's testimony with reference to protection and connections of certain unnamed bolita operators (except Jimmy Velasco, now deceased), with the mayor, the chief of police and myself as sheriff. I can say as far as I am concerned, and as far as my knowledge goes, there was no truth whatever in such statements, and I respectfully call this committee's attention to his testimony in such regard, which shows it was based entirely upon hearsay, rumors, and suppositions, and no names mentioned except Jimmy Velasco, who is now dead (Tr. 236, et seq.). The only payments testified to by Giglio before this committee in Tampa as having been made by him to me was one payment of \$500 and another payment of \$1,000. The \$500 payment was what was supposed to have been in the campaign contribution envelope, the contents of which I never saw, and the \$1,000 payment simply never existed, it was a complete fabrication (Tr. 239).

Mr. G. C. Clarkson, one of my former deputies, testified at the Tampa hearing (Tr. 240, et seq.). He was one of my clerks at the county jail for 2 or 3 years but I had to discharge him in 1948, almost 4 years ago. His work had been getting rather unsatisfactory and I was thinking of letting him go, but the immediate thing that brought about his discharge was that I found out he had a hook-up with one of my former deputies, J. M. Richburg, but who had since resigned and was in the bail bond business. The hook-up between them was that Clarkson would try to get prisoners, as they were brought in, to pay Richburg for a bail bond to get released from custody. Then Richburg would divide his fees 50-50 with Clarkson. I investigated, found it to be true, then called both Clarkson and Richburg into my office. They both denied it at the time, but I already knew it was true and their denials were such as to confirm what I already knew. I immediately fired Clarkson. Later Richburg voluntarily came to me and admitted the whole thing. I have never tolerated a bail bond racket around the county jail and all of my jailers and deputies know it. I made Richburg promise me he would carry on his bond business the same as all the other licensed bondsmen in Tampa, in a strictly legitimate manner. Richburg has voluntarily made a sworn affidavit confirming what I say here which affidavit I attach hereto and file with this committee as exhibit 8, and make the same a part hereof.

Clarkson has been mad at me ever since I fired him. His testimony before this subcommittee in Tampa was practically entirely based upon hearsay, rumors, and suppositions as shown upon its face (Tr. 242, et seq.). He was asked about the so-called Briggs & Co. in the criminal department at the jail, and he plainly stated to this committee, "Personally I don't know anything about Briggs & Co. myself" (Tr. 242). In my testimony in Tampa I fully explained in detail what was meant by Briggs & Co. and there is no semblance of anything incriminating about it (Tr. 470). Clarkson's testimony about so-called gamblers being brought in and the manner in which they were booked at the jail, shows on its face to be based upon hearsay, and insofar as there being any systematic or intentional departure from the manner of booking prisoners ordinarily, it was not so. A portion of Clarkson's testimony in Tampa is significant as throwing light upon his utter lack of knowledge of anything incriminating and also as to the manner in which he was interrogated by committee counsel Rice. Clarkson was asked if he knew anything about Paul Giglio having brought an envelope to the county jail during the spring, 1948, primaries. He stated he knew only what Giglio had told him. Then he was asked about anyone else bringing any envelope or money to the jail and he replied (Tr. 253):

"Mr. CLARKSON. No, I don't recall anyone else. I never talked with anybody else. That's just hearsay as far as I am concerned. I don't know, because their office is on one side and ours is here. There is a wall between, so I never came in contact over there.

"Mr. RICE. So if the envelopes were laid on the desk you wouldn't be in a position to see it?

"Mr. CLARKSON. No, I didn't—I wouldn't.

"Mr. RICE. It *could* happen, couldn't it?

"Mr. CLARKSON. Well, I would say it could happen.

"Mr. RICE. Do you *think* it did?

"Mr. CLARKSON. I don't know."

(Italics mine).

One Antonio Deschants (whose correct name I understand is Deschamps), testified (Tr. 539, et seq.) that he was a cousin of Jimmy Velasco and worked for Velasco as a chauffeur and bolita checker. His testimony, insofar as it affected anyone else except Jimmy Velasco, was entirely hearsay and what is worse, hearsay based upon what he was told, or what he "understood" from Jimmy Velasco, who is now deceased. He testified that Velasco once, in a drunken moment, mentioned something about having to pay off even when he lost, and he also mentioned something about a supposed check-in or check-out list which he stated he understood referred to myself, State Attorney Farris and Chief of Police Eddings. Asked with reference to the markings which committee counsel was trying to get him to say referred to me, he replied: "I cannot say for sure. From what I heard that was the sheriff" (Tr. 546). He testified he drove Velasco two or three times around to Mayor Hixon's house (Tr. 552). This was the sum and substance of his testimony.

So far as his testimony goes he has never seen me, talked with me, heard me say or do anything, or had any transaction with me or even been in my presence in his life. Personally I would not know Deschants if I were to see him now, unless I should recognize him as someone I had seen perhaps on the street in Tampa, maybe in passing, without even knowing his name or anything about him. Of course, I have no way of knowing what he truthfully "heard" or truthfully "understood" or in fact "imagined", but I can say that insofar as having anything to do with the fact of payoffs or protection money, as strenuously inferred by committee counsel, the same is untrue, at least so far as I am concerned or so far as my knowledge extends.

One, Mario Lounders, who testified at the Tampa hearing that he was another cousin of Jimmy Velasco and helped him sometimes by driving him around as an accommodation (Tr. 553, et seq.), stated that on a few occasions he would drive Velasco by the county jail, that Velasco would have some envelopes with him; that Velasco would go into the jail and later come out and they would proceed some place else. Similar visits, he said, were made to the home of Chief Eddings, and on other occasions at the office of the State Attorney, Farris, in the Tampa Theater Building (Tr. 556, et seq.). The witness said he would always stay in the car parked outside on the street while Velasco would go in and come back out. He never saw what was in the envelopes. The witness himself never went into any of the places nor otherwise left the car (Tr. 556 et seq.). He said that Velasco told him he was paying protection money to me as sheriff, also to Chief Eddings (Tr. 558, et seq.). Under questioning by Senator Hunt, Lounders admitted he had never even seen any money placed in the envelopes or how the envelopes were prepared before they were delivered, nor did Velasco ever leave any envelope with Lounders (Tr. 560-561). The witness admitted to Senator Hunt that he did not believe either I or Mr. Farris or Mr. Eddings ever knew him (Tr. 561). That was the extent of Lounders's testimony. It is practically all merely surmise on his part, but whatever facts he might have been referring to was based entirely upon hearsay derived from a man now deceased, Jimmy Velasco. Personally I have never known Lounders and so far as I know have never seen the man in my life. There was certainly not a word of truth as to any payoffs so far as I am concerned or my knowledge goes.

I understand that both Dugan and Lounders have testified before the Hillsborough County grand jury or before State Attorney Farris, or maybe both, and have denied any knowledge whatever of the very things they presumed to testify to before this subcommittee in Tampa by hearsay. State Attorney Farris, however, would be able to be more positive as to this.

One Oscar J. Perez testified at the Tampa hearing (Tr. 563, et seq.), that he was Jimmy Velasco's private chauffeur for about 3 years; that he drove Velasco "every place that he went" with the exception of when they had to go home to

eat (Tr. 564). He was asked by committee counsel to describe the members of the so-called gambling syndicate, if he knew them, and he replied: "Well, to the best of my knowledge, the members of the syndicate, as I understand it—of course, I may be wrong—" (Tr. 566). He then gave names based upon rumors, one of whom was Jimmy Velasco. Later in referring to the supposed gambling higher-ups, in the course of his remarks he stated, "and he told me—now, I can't personally vouch for this, because I don't know—I am just telling you what someone else related to me—" (Tr. 567-568).

In his third and fourth answer immediately following, also in referring to the so-called higher-ups, he used the words "I guess" twice (Tr. 568), and in the second and third answers immediately following that he also used the words "I guess" twice (Tr. 568-569). Shortly thereafter he was asked about how the gambling protection worked and he started off by saying, "Well, the way I think it worked was this way * * *." Perez stated he had driven Velasco on occasions to my sheriff's office, but whatever transactions were had therein, Velasco would have them all, that he, Perez, "was just merely acting as the chauffeur" (Tr. 571). He stated that Velasco on occasions would have some envelopes but would not say he had ever seen what went into the envelopes (Tr. 571). He also testified that he would drive Velasco by Chief Edding's home and Velasco would go in for awhile visiting with Chief Eddings while Perez would wait in the car (Tr. 573, et seq.). He also stated he had driven Velasco by Mr. Fariior's office building, but would never go with Velasco any further than the elevator (Tr. 578). The witness stated he had likewise driven Velasco around by Mayor Hixon's house on several occasions, but as in the other instances, what took place inside, the witness did not know (Tr. 580). With respect to Oscar J. Perez and his testimony, I can say that I know Oscar Perez. He is the son-in-law of a very good Latin friend of mine of many years ago, Fred Aguierre, now deceased. I do not remember ever having any transaction of any kind with Perez in my life. I don't remember ever having talked with him on more than just a few occasions and then it would probably be around some of the polling precincts on election day for a minute or two and then probably in a group. As to there having been any payoff or arrangement or understanding between me and Jimmy Velasco, or between me and anyone else, it is absolutely untrue, and his testimony shows it was based upon suppositions and hearsay from a person deceased.

One J. H. Dugan, Jr., testified that he was a former deputy of mine for 2 years, from '46 to '48. He stated he resigned, which is true. He stated he was instructed by my chief deputy at that time, Neil Keen, not to make any gambling or any vice arrests (Tr. 599). I cannot say what Keen may have told him outside of my presence, but if he gave him any such instruction it was absolutely without my authorization, without my knowledge, without my consent, and positively contrary to my orders to all my deputies, which was to at all times arrest anyone whom they knew was violating any State law. In my sheriff's office, as in all law-enforcement offices, especially in large cities, we have various divisions or details, such as the homicide squad, a theft squad, a traffic detail and invariably there is what is known as the vice squad. Men are usually specially trained and chosen for these particular, somewhat specialized, assignments. Federal law-enforcement circles are universally patterned in this fashion. Naturally the men assigned to these various specialized details look largely for violations of the respective offense or offenses coming within their particular field. It may possibly be that my chief deputy would tell any rank-and-file deputy not to concentrate particularly upon offenders coming within any of the specific classes as to which specific details or squads are formed. However, I certainly never gave him any such instructions to say that and it was contrary to my specific orders.

I might also mention that my then chief deputy, Mr. Keen, was dismissed by me at or about the same time witness Dugan resigned, in June 1948. Dugan testified he was told by another former deputy of mine, Ted Glover, that one Trafficante had been arrested by Glover, and Glover had been reprimanded by me for making the arrest, because Trafficante was my personal friend (Tr. 600, et seq.). Witness Dugan knew nothing about it of his own knowledge (T. 601). Ted Glover did not testify. I made no such reprimand whatever and so far as my office of Sheriff is concerned, a person is arrested if he violates the law, and is not arrested so long as he abides by the law, whether he is my friend or my enemy, in either event. Such is the extent of Dugan's testimony insofar as it pertained to me in any way.

The foregoing is a brief but fair résumé of the testimony of any and all witnesses before the subcommittee in Tampa, by whom I was sought to be involved in gambling or pay-off or protection activities in Tampa. The foregoing contains also briefly my observations and comments thereon. I could, of course, enlarge and expand in each instance. But it all goes back to just what the present chief of police at Tampa, Chief Beasley, and the other gentleman at the Optimist Club said a few days after the subcommittee left Tampa last December, as herebefore narrated. It is the same hearsay, the same gossip, the same rumors, the same vague charges based upon suppositions, made by the same disgruntled or dissatisfied or discredited persons who have been listened to before and whose stories have been discarded and repudiated. As stated by the citizens or ministerial committee in its report (see exhibit No. 2) :

"There is gambling in Tampa. No official denied this. The large number of arrests by both county and city officers is sufficient proof. It is the sincere belief of the committee, however, that there is less gambling than in other years. Many prominent and long-time residents of Tampa concur in this belief. The committee wishes to commend the public officials for this improved condition. The committee has not established the existence of an organized syndicate * * *."

I attach herewith and file with the committee, as exhibit No. 9, and as a part hereof, a clipping from the Tampa Morning Tribune of its issue of December 7, 1947, page 1, containing the citizens committee report, and which amplifies the contents of exhibit No. 2.

With reference to the gambling arrests mentioned in the citizens committee report, and in closing this statement, I might mention that I have had the dockets at the Hillsborough County jail checked as to gambling arrests and prosecutions during the 8 years I have been actively sheriff (2 of the 10 years I was in the United States Army), and also the 8 years just previous thereto under preceding sheriffs. These records and dockets show that in the 8 years prior to my becoming sheriff, the sheriff's office made 32 gambling cases which resulted in prosecution for gambling violations in our criminal court of record. During my 8 years' active service as sheriff, those records show that there were 199 gambling cases made by the sheriff's office, which resulted in actual prosecution in said court. This is 6½ times as many as during the comparable previous period under other sheriffs. This does not take into account the great volume of gambling arrests, probably running well into the thousands, which during my time as sheriff did not result in actual prosecution in court, but were either dismissed or the bonds allowed to be estreated. Such disposition of these cases, however, was entirely out of my jurisdiction. I had nothing to do with whether a bond was estreated or not, or whether the case was dismissed at preliminary hearing before the local justice of the peace or county judge. I had no jurisdiction even to fix the amount of an appearance bond, this is fixed by the court. I have only the authority, through my deputies to make the arrests and then to approve the bond as to legal sufficiency after the amount has been fixed and the bond presented.

I wish to again thank the full committee for this privilege of appearing here and of filing and submitting this statement in my own behalf.

HUGH L. CULBREATH,

Sheriff of Hillsborough County, Fla.

STATE OF FLORIDA,

County of Hillsborough:

Before me, the undersigned authority, personally appeared Hugh L. Culbreath, who being by me first duly sworn, deposes and says that he is the person named in the foregoing statement contained on pages 1 to 27, inclusive, and deponent says he has read the contents of each and every page, knows personally of the matters and things therein mentioned, and that the facts and statements therein made are true.

HUGH L. CULBREATH.

Sworn to and subscribed before me at Tampa, Hillsborough County, Fla., this 16th day of February A. D. 1951.

MARIE ALLARD, *Notary Public.*

The affidavit of Mr. Young is as follows:

STATE OF FLORIDA,

County of Hillsborough:

Before me, the undersigned authority, personally appeared A. H. Young, known as Cy Young, who, being by me first duly sworn, deposes and says as follows, to wit:

I am a member of the Board of Representatives of the City of Tampa, Fla., and have been for some time past. Hugh Culbreath, sheriff of Hillsborough County, is a friend of mine. During the last county election when Sheriff Culbreath was a candidate for reelection and Bill Myers was his opponent in the second primary, I had occasion to talk with Sheriff Culbreath. I was one of his supporters. I also knew Paul Giglio and Frank Morales who operated the Casino hardware store in Ybor City. I talked with them about supporting Sheriff Culbreath in the second primary and they wanted to talk to Sheriff Culbreath.

I recall distinctly that between the first and second primaries I met with Paul Giglio and Frank Morales in Sheriff Culbreath's private office, located in the county jail building, with Sheriff Culbreath, and they had a discussion about the campaign. Nothing whatsoever was said about any illegal business. The entire conversation was about politics; nothing dishonest or illegal was discussed or mentioned by anyone. During the conversation Paul Giglio and Frank Morales said they wanted to donate some money to Sheriff Culbreath's campaign on behalf of the Casino hardware store which they operated. They left this money in an envelope on Sheriff Culbreath's desk. I do not know how much money was in the envelope but I do know that whatever money was left there was left by these men as operators of the Casino hardware store, a legal business.

I am giving this affidavit because I have heard about certain testimony which was given by Paul Giglio before the Kefauver committee. I believe I should do this in order to straighten this matter out, inasmuch as I was the cause of this meeting, and I also know there was nothing wrong with this meeting, and that nothing illegal or unlawful was discussed by anyone.

A. H. YOUNG.

Sworn to and subscribed before me this the 23d day of January 1951.

MARGARET SPANGLER,
Notary Public, State of Florida.

I might say by interpolation that I had nothing to do whatever with the preparation of this affidavit. It came to me, brought by Sheriff Culbreath himself at the time the statement was being prepared. I do not know the notary; I do know Mr. Young, but did not even see him sign it.

The CHAIRMAN. Well, Sheriff, I take it that you got in touch with the man and you and he got up the affidavit?

Mr. CULBREATH. Yes, sir. The man came to see me.

Mr. PIERCE. Mr. Young.

Mr. CULBREATH. Mr. Young; yes, sir.

The CHAIRMAN. And you and he went to a notary and the affidavit was written out?

Mr. CULBREATH. Margaret Spangler is a clerk in my office; she is a notary there.

The CHAIRMAN. Yes. Now, Sheriff, I ask you, Mr. Pierce answered for you, but I want to make the record clear. You say that all this is your testimony?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. All right.

Mr. PIERCE. Under oath.

Mr. CULBREATH. Under oath.

Mr. PIERCE. This is an affidavit by J. M. Richburg:

STATE OF FLORIDA,

County of Hillsborough:

Before me, the undersigned authority, personally appeared Mr. J. M. Richburg, who, being first duly sworn, deposes and says: I am a resident of Tampa, Hillsborough County, Fla. I was a deputy sheriff under Sheriff Hugh Culbreath for about 4 years, leaving his office about 2 years ago. Since then I have been in the bail-bond business in Tampa. During a portion of the last 2 years one G. C. Clarkson was one of the jailers at the county jail in Tampa, serving under Sheriff Culbreath. I had a secret arrangement with Clarkson whereby he agreed to throw my way as many bail-bond cases for prisoners as he could and in return I would split any bond premiums with him 50-50. In some way Sheriff Culbreath found out about this arrangement and called me and Clarkson before him at his office in the county jail. As a result, Sheriff Culbreath fired Mr. Clarkson and warned me not to enter into such arrangements again with anyone. I talked with Clarkson a number of times after he was fired and he was openly resentful of the sheriff having fired him.

J. M. RICHBURG.

Sworn to and subscribed before me this 16th day of February A. D. 1951.

MARIE ALLARD, *Notary Public.*

The CHAIRMAN. All right, Mr. Pierce.

Mr. PIERCE. Senator, I believe I have left all the copies I had of the statement. I had two copies, both of which were signed and sworn to, as well as the original. I do not have any copy here and I would like to retain a copy to take back.

The CHAIRMAN. All right, we will give you this copy when we get through with it.

Mr. PIERCE. Thank you.

Mr. RICE. Sheriff, I believe there was something in the statement there about Giglio making a campaign contribution; is that correct?

Mr. CULBREATH. Yes, sir.

Mr. RICE. That was purely a campaign contribution just for politics?

Mr. CULBREATH. That is all it was. He came in there, as I stated, in that sworn statement, to make a contribution for campaign purposes. How much it was, I don't know.

Mr. RICE. You don't know how much it was?

Mr. CULBREATH. No, sir.

Mr. RICE. Just before that didn't the statement say that Giglio had been arrested a couple of times?

Mr. CULBREATH. I think the record will show that Giglio has been arrested some seven or eight times.

Mr. RICE. Some seven or eight times?

Mr. CULBREATH. Some seven or eight times even before and after.

Mr. RICE. What were those arrests for?

Mr. CULBREATH. Violations of the law.

Mr. RICE. Various violations of the law?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Some for gambling and what not?

Mr. CULBREATH. Yes, sir—concealed weapons.

Mr. RICE. So that one of your very staunch campaign supporters then was a fellow you knew to be a gambler; is that right?

Mr. CULBREATH. He came in to see me as an owner of the Casino hardware store.

Mr. RICE. He had just recently been arrested seven or eight times for gambling?

Mr. CULBREATH. Arrested several times.

Mr. RICE. So far as you were concerned, the leopard changed its spots when he came in and told you he was a hardware man?

Mr. CULBREATH. No, sir; he was even arrested after that.

Mr. RICE. So he didn't change his spots, did he?

Mr. CULBREATH. Any time I catch him violating the law, I will arrest him.

Mr. RICE. Is it a fair statement to make then that you readily accept campaign contributions from a known criminal and gambler?

Mr. CULBREATH. If you call him a known criminal, yes.

Mr. RICE. Surely you knew he was a known criminal.

Mr. CULBREATH. He came in representing himself as half owner of a hardware store and wanted to make a contribution, and I think that 90 percent of your public officials in the country have accepted contributions like that.

Mr. RICE. At least you speak for yourself and say that you readily accept campaign contributions from a known criminal?

Mr. CULBREATH. If you call him a known criminal, he left the envelope which he said was a contribution. I didn't see it. I didn't open it. I don't know whether it was a dollar or \$500.

Mr. RICE. But you took it?

Mr. CULBREATH. It was left laying there and I turned it over to John Broadus. He left it lying on my desk, and I walked out of the room with the three men, and John Broadus came in and said there was an envelope to be left, and he said it was a contribution to the campaign.

The CHAIRMAN. When you filed your report, how much did that turn out to be?

Mr. CULBREATH. Senator, I don't—

The CHAIRMAN. Sir?

Mr. CULBREATH. I don't know, sir.

The CHAIRMAN. Have you filed a report, or did you file a report?

Mr. CULBREATH. It is customary for them to file a report, but I will have to say to you the reports that the politicians in my country file aren't always accurate.

The CHAIRMAN. Did you file any report at all?

Mr. CULBREATH. So much so that the legislature repealed the law.

The CHAIRMAN. But they repealed it just in 1949.

Mr. CULBREATH. Because they knew it wasn't lived up to.

The CHAIRMAN. The question is: Did you file a report?

Mr. CULBREATH. I filed a report; yes, sir. Whether that was reported or others was reported than that and that wasn't, I don't know.

The CHAIRMAN. So you didn't pay much attention to the report?

Mr. CULBREATH. No. The reports, as I say, all of them file a report, but they wasn't accurate.

The CHAIRMAN. You knew there was money in this envelope or you would not have turned it over to Mr. Broadus.

Mr. CULBREATH. That is right. I was told it was in there and I turned it over to Mr. Broadus as such.

The CHAIRMAN. Did you thank him for it?

Mr. CULBREATH. I don't even think I thanked him.

The CHAIRMAN. You didn't ask him how much it was?

Mr. CULBREATH. No, sir; I didn't. The only reason I even saw him was because he came in there with a friend of mine.

Mr. RICE. You have some other fellows down there making up the syndicate—Red Italiano, Gus Friscia, Primo Lazzarra, Philippe Piazza, Santos Trafficante. These people are all Sicilians and they make up a syndicate down there. Did you accept campaign contributions from them?

Mr. CULBREATH. No, sir.

Mr. RICE. Do you know those people?

Mr. CULBREATH. I know of them; yes, sir.

Mr. RICE. Do they come into your office?

Mr. CULBREATH. No, sir.

Mr. RICE. Are you sure about that?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Do you want to say that none of those people whom I have mentioned have been in your office?

Mr. CULBREATH. If any of them have been in there, it has been to make a bond to get somebody out of jail.

Mr. RICE. Didn't this fellow, Dugan, who testified down there, say they were frequently coming in there seeing you, not about bonds?

Mr. CULBREATH. I don't imagine you know Mr. Dugan very well, not near as well as I do.

Mr. RICE. I am interested in what happened in your office and not what you think about Mr. Dugan.

Mr. CULBREATH. If he made a statement like that, it was untrue.

Mr. RICE. It was untrue?

Mr. CULBREATH. Yes.

Mr. RICE. So these fellows never came into your office except to make bonds?

Mr. CULBREATH. That is right. Only when in trouble or arrested. If they wanted to post a bond. If any of them came in there, they came in to get somebody out of trouble.

Mr. RICE. How about Rene Nunez, Flacco Flores, and Jimmy Velasco? Do any of these ever come to your office?

Mr. CULBREATH. Jimmy Velasco has been in there. He is one of those fellows that would come in and try to get someone else out. He would stick his nose in anywheres.

Mr. RICE. Is he Sicilian or Cuban?

Mr. CULBREATH. I think he is a Cuban.

Mr. RICE. What became of him?

Mr. CULBREATH. He is dead.

Mr. RICE. What did he die of?

Mr. CULBREATH. He was murdered.

Mr. RICE. Murdered?

Mr. CULBREATH. Yes, sir.

Mr. RICE. And was that in your county?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Was that murder solved?

Mr. CULBREATH. Well, the wife identified the person, and he was tried for murder and acquitted.

Mr. RICE. You say the wife identified the person?

Mr. CULBREATH. Identified the man she said shot him.

Mr. RICE. Were you satisfied that person shot him?

Mr. CULBREATH. Under our law, there is no way to prosecute anyone else unless the man came in and said, "I did it."

Mr. RICE. The only way you can catch somebody down there in Florida is a man comes in and says "I did it"; is that it?

Mr. CULBREATH. That is not what I said.

Mr. RICE. What did you say?

Mr. CULBREATH. I said, under our law, the only way to prosecute someone for that crime now is for a man to come in and say he did it. You and ten hundreds like you or myself—

Mr. RICE. You are talking about the Velasco killing?

Mr. CULBREATH. Yes, sir. That is what you are talking about.

Mr. RICE. So if you found out, say, Primo Lazzara had perpetrated that crime—using that as an example—

The CHAIRMAN. Don't use it as an example. Let's say John Smith.

Mr. RICE. John Smith, we will say, had perpetrated that crime, and you had good evidence to support the fact he had done it, but you could not prosecute him?

Mr. CULBREATH. I would take it up before the grand jury and the state attorney, but my understanding of the law is that you can't try two people for the same murder, and his wife has positively identified one man as the man. How could she turn around and say that now someone else did it?

Mr. RICE. Maybe we are finding out what is wrong down in Hillsborough County. If you try someone and they are acquitted, that closes the case; is that it?

Mr. CULBREATH. Not as far as my book is concerned.

Mr. RICE. Now you say you can't try two different people for the same crime. Are you sure that isn't you can't try the same man twice?

Mr. CULBREATH. I know you can't try the same man twice. You explain to me how you can charge another man with murder when you have one charged with murder.

Mr. RICE. I am talking about that you have got a new man, John Smith, and find out he committed the murder of Jimmy Velasco. What are you going to do?

Mr. CULBREATH. How can you charge him with murder if the wife says, "No, this other man did it?" And she and her little girl are the only two eyewitnesses.

Mr. RICE. He was acquitted, though?

Mr. CULBREATH. That is right.

Mr. RICE. If anybody else now proved to have done that, you are just not going to prosecute?

Mr. CULBREATH. You can't prove it.

Mr. RICE. How about Jimmy Lumia then? Let's talk about that.

Mr. CULBREATH. As far as the Jimmy Lumia case, that is an assassination in my book.

Mr. RICE. That is an assassination?

Mr. CULBREATH. Yes, sir.

Mr. RICE. He is just as dead, isn't he?

Mr. CULBREATH. Yes, sir.

Mr. RICE. What are you going to do about that case?

Mr. CULBREATH. If we can solve it, we are going to solve it.

The CHAIRMAN. That happened in June of last year?

Mr. CULBREATH. That is approximately right, Senator.

Mr. RICE. What ideas do you have on that? That man was killed by a shotgun blast from a car.

Mr. CULBREATH. Yes, sir.

Mr. RICE. Do you have any leads on that case?

Mr. CULBREATH. We have run down, I expect, 50 or 75 leads, and they all lead into a dead-end alley. The city has them; my office has had them. We work together and we work independently.

Mr. RICE. He was a member of the syndicate until he was murdered, wasn't he?

Mr. CULBREATH. I don't know whether he was a member of the syndicate or not—what you refer to as the syndicate.

Mr. RICE. Velasco was a member of the syndicate down there too until he was killed, wasn't he?

Mr. CULBREATH. That I can't say.

Mr. RICE. How do you explain these murders down there? What are they fighting about down there, Sheriff?

Mr. CULBREATH. Well, of course, mostly it is amongst Latin people and they don't usually tell you or let you know what they fight about.

Mr. RICE. It couldn't be about the gambling or anything like that, could it?

Mr. CULBREATH. I can't say. I could say it could or couldn't be. It might be about domestic affairs.

Mr. RICE. You are the chief investigative officer down there and it looks like your job is to find out.

Mr. CULBREATH. It is.

Mr. RICE. What have you found out?

Mr. CULBREATH. I haven't found out what caused the Lumia murder.

Mr. RICE. It didn't sound like a domestic affair when two men in a car turned a shotgun on him.

Mr. CULBREATH. I don't think so, but what caused it I don't know. You have been down there and have had your investigators there, and I daresay you don't know what caused it. If you have the information, you certainly haven't brought it to me, and that is where it should be brought.

Mr. RICE. Did you ever hear of Di Lorenzo?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Did you check him out on that crime?

Mr. CULBREATH. Yes, sir.

Mr. RICE. He was a deputy for you, wasn't he?

Mr. CULBREATH. He only worked for me a week, less than a week.

Mr. RICE. He seemed to have a special deputy card.

Mr. CULBREATH. That is right. Lots of people have special deputy cards where they can make a living somewhere else as a guard in some enterprise.

Mr. RICE. Where they have to carry a gun?

Mr. CULBREATH. That gives them permission to carry a gun.

Mr. RICE. So anybody that has to carry a gun you give them a special deputy card?

Mr. CULBREATH. Not everyone. Everyone who works under me, since I have been in office, has to post a surety bond.

Mr. RICE. Italiano, do you know him?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Do you have any dealings with him?

Mr. CULBREATH. No.

Mr. RICE. You never had dealings with him?

Mr. CULBREATH. No.

Mr. RICE. Have you ever been in his place of business?

Mr. CULBREATH. I have possibly been in there less than half a dozen times.

Mr. RICE. Half a dozen times?

Mr. CULBREATH. Less.

Mr. RICE. Did you transact any business with him?

Mr. CULBREATH. No, sir; I was inquiring for information.

Mr. RICE. Inquiring for information about what?

Mr. CULBREATH. About various people.

Mr. RICE. That is the only thing you have ever done with Italiano— inquire for information?

Mr. CULBREATH. I may have at election time asked him to support me, or something like that, like everyone else goes and asks people to support them.

Mr. RICE. What kind of information did you get from him?

Mr. CULBREATH. I try to get a lead on where some of the Latins are, someone that is doing something.

Mr. RICE. Like what?

Mr. CULBREATH. Maybe robbing some stores. If I want to locate a certain fellow he would tell me where so and so is.

Mr. RICE. You figure he is a good man to tell you who is robbing a store around there?

Mr. CULBREATH. Well, I have been down there all my life, and I don't speak any Spanish or Italian, and I don't know them very well.

Mr. RICE. I understand. You would call him an informant?

Mr. CULBREATH. I didn't say that. You interrupted there before I got through. I didn't say that. You have to go to people that know other Latin people, or if a "nigger," you have to go to some "niggers" that can give you a lead.

Mr. RICE. So then you picked him as the man to get leads?

Mr. CULBREATH. No more than fifty or a hundred others.

Mr. RICE. Then you say you also went to him from time to time to get his support?

Mr. CULBREATH. No; I didn't say from time to time. I said maybe at election time I may have dropped by and asked him to support me. You ask your enemies as well as your friends, and your friends as well as your enemies to support you.

Mr. RICE. Didn't Italiano do some time at Atlanta for a narcotics violation?

Mr. CULBREATH. I think that is correct.

Mr. RICE. And you wanted him to support you, too?

Mr. CULBREATH. I find a vote is a vote.

Mr. RICE. A vote is a vote. It doesn't make any difference whether it comes from a criminal or not; is that right?

Mr. CULBREATH. Yes; it makes a difference, but I haven't found any candidate in my county to ever turn down a vote regardless of who it is.

Mr. RICE. Do you find any candidates who don't go out and solicit criminals?

Mr. CULBREATH. In my experience they solicit from everybody. They don't miss anybody. This last time I got severely criticized for soliciting the colored vote, and they tried to use that to beat me down there.

Mr. RICE. Who did you solicit—Chauffeur Williams?

Mr. CULBREATH. Yes, sir; Chauffeur Williams and many, many others, all the Negro ministers.

Mr. RICE. He ran all the Bolita joints, and they finally ran him, didn't they?

Mr. CULBREATH. Who is that?

Mr. RICE. Chauffeur Williams.

Mr. CULBREATH. I don't think he ever ran a Bolita joint. I think the worst thing he ever did was to run a restaurant, and he had a beer license and stayed open after hours. I think that is the worst.

Mr. RICE. The Twentieth Century Club?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Where is your informant and supporter, Italiano?

Mr. CULBREATH. I don't know. You probably know more about that than I do.

Mr. RICE. I don't think so.

Mr. CULBREATH. I don't know anything about it.

Mr. RICE. When did you see him last?

Mr. CULBREATH. It has been a year.

Mr. RICE. I wonder if the next time you see him you would be kind enough to tell him the committee is looking for him.

Mr. CULBREATH. I expect he knows that without me telling him; but if I see him, I will tell him that.

The CHAIRMAN. Anything else?

Mr. RICE. Yes, I have some more questions.

Do you know a man by the name of Frierson?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Who is he? What is his first name?

Mr. CULBREATH. He is a cousin of mine.

Mr. RICE. A cousin of yours?

Mr. CULBREATH. Yes.

Mr. RICE. What is his first name?

Mr. CULBREATH. Roy.

Mr. RICE. How do you spell Frierson?

Mr. CULBREATH. F-r-i-e-r-s-o-n, I believe.

Mr. RICE. Roy Frierson?

Mr. CULBREATH. Yes.

Mr. RICE. What business is your cousin in, Sheriff?

Mr. CULBREATH. As far as I know, he is a very sick man, pretty sick now, but he is around. I don't know whether he owns any stock in the Jockey Club.

Mr. RICE. What business was he in before he got sick?

Mr. CULBREATH. I don't know.

Mr. RICE. You don't know?

Mr. CULBREATH. No, sir; unless he owns some stock in the Jockey Club. He worked at the Jockey Club.

Mr. RICE. How old a man is he?

Mr. CULBREATH. He must be 50—about 58.

Mr. RICE. What business has he ever been in?

Mr. CULBREATH. He ran a meat market and grocery store.

Mr. RICE. Now, then, 2 or 3 years ago what business was he in?

Mr. CULBREATH. Well, I think he worked for Elite Cigar Store at that time.

Mr. RICE. That is right; and in with Manuel Fuentes?

Mr. CULBREATH. He worked for him, I think.

Mr. RICE. At the Elite Cigar Store there. Didn't they arrest him and Frierson for gambling?

Mr. CULBREATH. That is right.

Mr. RICE. Was it for bolita?

Mr. CULBREATH. Either that or operating some pinball machine or something. It could have been both.

Mr. RICE. What became of the case? Did they go to jail?

Mr. CULBREATH. It was tried in criminal court.

Mr. RICE. It was tried in criminal court?

Mr. CULBREATH. Yes, sir.

Mr. RICE. Did they pay a fine?

Mr. CULBREATH. I think they were acquitted.

Mr. RICE. They were acquitted?

Mr. CULBREATH. Yes.

Mr. RICE. After that where did he go?

Mr. CULBREATH. Where did he go?

Mr. RICE. Yes.

Mr. CULBREATH. He is still in Tampa.

Mr. RICE. Right around on Lafayette Street, isn't he?

Mr. CULBREATH. I very seldom ever see him, Mr. Rice. You know we all have some relatives, maybe, that don't do just like we would like for them to do.

Mr. RICE. Is this one of those?

Mr. CULBREATH. Well, I would say so. You know there is an old saying that we all have a skeleton in the closet and that could be.

Mr. RICE. All right, now, before we close I would like to make it perfectly plain that this list of assets we have coming up to the date of the hearing is complete, and I want to make sure that there are no other bank accounts in your name that you have anywhere.

Mr. CULBREATH. There is no bank accounts anywheres. You asked me a few minutes ago—

Mr. RICE. How about in your wife's name?

Mr. CULBREATH. No, sir.

Mr. RICE. No other accounts in your wife's name?

Mr. CULBREATH. No, sir.

Mr. RICE. Or any relative that you have control over?

Mr. CULBREATH. No, sir.

Mr. RICE. Do you have any other bank accounts you have any direct control over?

Mr. CULBREATH. No, sir. As I started to say, you asked me about Chicago. I have never been to Chicago but twice in my life and didn't even stop then.

The CHAIRMAN. Sheriff, I, of course, wasn't in Tampa when the hearing was held there, so I am not familiar with everything that has been covered, but I have been interested to know when did you stop filing income-tax returns—when you were elected constable back in 1930 or 1931, I believe you testified; is that correct?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. And then you stopped filing income-tax returns at that time?

Mr. CULBREATH. Yes.

The CHAIRMAN. When did you start filing them again?

Mr. CULBREATH. Well, when there was some order or act of Congress or something that was passed down, and then they all started to file at the same time.

The CHAIRMAN. There was a decision of the Supreme Court. I have asked Mr. Burling as to when this came about so we can get it in the record. Mr. Burling will make a statement for the record as to the legal history of that.

Mr. BURLING. Mr. Chairman, Mr. Dees and I jointly made a record check of the applicable laws. I am not sure I have everything, but what I have found is that the Supreme Court in the Collector versus Day held that the salary paid to a State official was not subject to Federal income tax.

Mr. PIERCE. Do you have that citation?

Mr. BURLING. I do not. I am sorry.

Mr. PIERCE. Collector against Day?

The CHAIRMAN. D-a-y.

Mr. PIERCE. Collector of Internal Revenue against Day. United States Supreme Court?

Mr. BURLING. That is right. It is a very famous case and can easily be located in the Supreme Court opinions. That holds that the salary of a State employee is not subject to the Federal income tax.

The CHAIRMAN. That is as to the salary he gets from the State?

Mr. BURLING. Solely. The decision does not hold that income derived from a fishing business or anything else is in any way immune merely because of the fact that the person deriving that income is also a State officer.

That state of law continued until 1938, until the first case, Halvering against Gerhardt, the citation of which is 304 U. S. 405. That is the Supreme Court opinion which held that an employee of the Port of New York Authority had to pay Federal income tax on his income. And the law was tightened by Groves against New York, 306 U. S. 466, which reversed or overruled Collector against Day.

The law was amended to conform to the new view of the Constitution laid down in these two cases that I cited by the Public Salary Tax Act of 1939, which was effective December 31, 1938. Since that time State salaries of State officials have been subject to Federal income tax.

The CHAIRMAN. So, Mr. Burling, since 1939 any income earned from a State by a State official during that year would be taxable and have to be paid the following year; is that correct?

Mr. BURLING. I don't believe since 1939. It is since 1938. It was commencing January 1, 1939, that the obligation is on the taxpayer to report it in his return. There never was a period since the Federal income tax was instituted where you could avoid either paying a tax on income or reporting income received not from the State government merely for the reason that you were a State official.

The CHAIRMAN. Now, our records here show for the year 1939 for your income you didn't file any return.

Mr. CULBREATH. What is that?

The CHAIRMAN. For what you made during 1939 as an official of the State, that you didn't file any income tax. The first year that you filed one was for the year 1941. That is 3 years after the new law was passed, or at least 2 years after it was passed. Do you know if that was true or not?

Mr. CULBREATH. No, sir; I don't know whether that is true or not.

The CHAIRMAN. Have you checked to see whether that is true?

Mr. CULBREATH. No, sir.

The CHAIRMAN. Mr. Mills, you have made some investigation?

Mr. MILLS. Yes, sir.

The CHAIRMAN. Is that correct?

Mr. MILLS. Yes, sir.

The CHAIRMAN. So you didn't file for the year 1939 and 1940, and the first one you filed was for the year 1941. Is that correct, Mr. Mills?

Mr. MILLS. Yes, sir.

The CHAIRMAN. You might look into that, Sheriff.

Mr. CULBREATH. Yes, sir; I will. I wanted to get one thing straight and fully understood. I think it was in the record several times. Of course, the custom there was that the county officials did not file income tax on any other income from the outside, and that is the reason I didn't do it. I knew that the Federal law didn't require them to file—I mean the county officials to file tax returns on what they earned.

The CHAIRMAN. All right.

Mr. Burling?

Mr. BURLING. Do I understand you to say, Sheriff, it is the custom in Hillsborough County—

Mr. CULBREATH. It was.

Mr. BURLING. It was the custom for officials—

Mr. CULBREATH. For the whole State.

Mr. BURLING. It was the custom prior to 1938, according to your testimony—

Mr. CULBREATH. As I understand it.

Mr. BURLING. Excuse me.

Mr. CULBREATH. As I understand it.

Mr. BURLING. Please let me finish.

Mr. CULBREATH. I beg your pardon.

Mr. BURLING. It was the custom, according to your testimony, for State officials to violate the Federal income-tax laws?

Mr. CULBREATH. Well, it wasn't my understanding that they was to violate Federal income laws, that they just understood it.

Mr. BURLING. You understand, do you not, Sheriff, that you did violate the Federal income-tax laws in failing to report your income received from anything other than salary as sheriff or constable?

Mr. CULBREATH. Well, it was just as constable, as county official I didn't file any.

Mr. BURLING. You understand it now?

Mr. CULBREATH. And the sheriff didn't at the same time, and the clerk of the court didn't.

Mr. BURLING. You understand it now?

Mr. CULBREATH. I do now.

Mr. BURLING. That it is a violation of the law.

Mr. CULBREATH. You have explained it to me, yes, sir; and that is what I was trying to explain, that I didn't, but I do understand it now.

The CHAIRMAN. Well, Sheriff, it should be very apparent to any reasonable man that if a fellow had an income of a million dollars a year and he got a thousand dollars a year from a State or county job, that certainly by virtue of the fact he had some little employment with the State or the county, in all fairness it would not relieve him

from paying tax on income from other ventures he might have. That would be quite apparent to anyone, would it not?

Mr. CULBREATH. Senator, some people train a little to a higher degree, and they understand those things, they work in them. It is a lot different to some people in different brackets.

Mr. BURLING. Sheriff, one other point. When did you cease being constable?

Mr. CULBREATH. In 1941—the end of 1940.

Mr. BURLING. So since 1938 when the law was changed to 1941 you were under obligation to both pay an income tax on and to report your income as a constable.

Mr. CULBREATH. I don't know whether the income tax was filed or not. Whenever they passed it on down and all the State and county officials started filing, I started at that time.

Mr. BURLING. I am not asking when all the officials started. You didn't file, you didn't pay the income tax on or file a return on your income as constable in 1940 or 1941, did you?

Mr. CULBREATH. That I can't answer. I am not sure about that.

Mr. BURLING. After careful investigation we are unable to locate your returns.

Mr. CULBREATH. I tried to get my returns even back further than that, and I can't get them.

Mr. BURLING. You didn't file them, did you?

Mr. CULBREATH. Sure, I filed some back in the twenties, but I can't get them. They notified me they all have been destroyed up to 1940.

The CHAIRMAN. Let me ask one other question I wanted to get clear. When was it you went into the service?

Mr. CULBREATH. I believe that was 1942.

The CHAIRMAN. This big amount of money—I believe you said at one time you had \$80,000 in your safe—you accumulated that before you went into the service.

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. How much was that, Sheriff? You said about \$80,000.

Mr. CULBREATH. I gave that figure. It could have been a little more, Senator.

The CHAIRMAN. It could have been ninety thousand?

Mr. CULBREATH. Yes, sir; it could have been.

The CHAIRMAN. And you had \$90,000 when you went into the service?

Mr. CULBREATH. Yes.

The CHAIRMAN. And that is where all these bank deposits came from we talked about?

Mr. CULBREATH. Later on I put some of that money in the banks.

The CHAIRMAN. Then, I didn't understand how much it was you were making in 1935, 1936, 1937, and 1938 on up to the time you went into the service. How much were you making during that time?

Mr. CULBREATH. Well, outside of my salary that I was earning as constable, the best figure that I could give you would be about \$8,500 a year.

The CHAIRMAN. \$8,500 a year?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. What was your salary as constable?

Mr. CULBREATH. That was fees. The constable's salary was fees. The CHAIRMAN. Anyway you were making about eighty-five hundred a year?

Mr. CULBREATH. Outside of that and other than that.

The CHAIRMAN. Outside of what?

Mr. CULBREATH. Other than the constable fees.

The CHAIRMAN. And you say the constable was fees?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. You said you had on top of that, I believe, about seventy-five hundred?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. So you were making about fifteen thousand a year?

Mr. CULBREATH. That is what you could make; yes, sir.

The CHAIRMAN. And out of that you paid your living expenses?

Mr. CULBREATH. That is right.

The CHAIRMAN. How much family did you have?

Mr. CULBREATH. Well, I had at that time two boys.

The CHAIRMAN. You bought a home during that time, didn't you?

Mr. CULBREATH. Yes.

The CHAIRMAN. How much did you pay for your home?

Mr. CULBREATH. That is the one I think that Mr. Rice spoke of, that I turned back because the price of the property went down so.

The CHAIRMAN. And you bought another one after you turned one back?

Mr. CULBREATH. I bought that, though, about 1938, wasn't it—1937 or 1938, somewheres along there.

The CHAIRMAN. When was this one you turned back? Was that about 1935 or 1936?

Mr. CULBREATH. It was before that. I believe in the early thirties.

The CHAIRMAN. About 1933. Was that the one that technically got foreclosed on?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. You couldn't pay?

Mr. CULBREATH. I could have, but why pay fourteen or fifteen thousand dollars when the thing sold for less than five.

The CHAIRMAN. In other words, you owed a deficiency on that; is that right?

Mr. CULBREATH. Yes, sir. It was cheaper to sell it back to them.

The CHAIRMAN. I know, but when you foreclose that is not selling it back.

Mr. CULBREATH. That is one way of selling it back to them.

The CHAIRMAN. I know, but an honest man, if he put his name on a note for \$15,000 is going to pay that \$15,000 and not let them foreclose it and just go as a deficiency.

Mr. CULBREATH. There were certainly a lot of them down in Florida that let it go back.

The CHAIRMAN. In other words, as far as the record is concerned, you couldn't pay your note on that house in 1933 or 1934 and let them foreclose it, is that correct?

Mr. CULBREATH. Well—

The CHAIRMAN. You lost your equity in it anyway?

Mr. CULBREATH. I turned it back; yes.

The CHAIRMAN. Well, it was advertised and put up for sale.

Mr. CULBREATH. That is the legal way to do it.

The CHAIRMAN. And a deficiency judgment was established against you; is that correct?

Mr. CULBREATH. I don't remember just what happened, but I lived in it as long as I could to try to get out something that I put in it.

The CHAIRMAN. Then from 1934 to 1942 you accumulated money pretty fast. You did pretty well, didn't you?

Mr. CULBREATH. Yes. I had some money before then, too.

The CHAIRMAN. All right. Anything else, Mr. Rice?

Mr. RICE. I think it should be brought out you say since the committee was in Tampa, which was around the first of the year, you made a settlement with the Internal Revenue now?

Mr. CULBREATH. I didn't say I made a settlement—that I had filed my income tax reports.

Mr. RICE. Filed returns for that period?

Mr. CULBREATH. Yes, sir; made a payment.

Mr. RICE. Did you pay any penalty?

Mr. CULBREATH. No; that is to come through.

Mr. RICE. That is to come?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. Have you got a copy of the return you filed?

Mr. CULBREATH. Howard MacFarlane of MacFarlane & Ferguson & Allison, is handling that for me in town.

The CHAIRMAN. Do you have a copy of the return you filed?

Mr. CULBREATH. No, sir; I do not.

The CHAIRMAN. What years did you file returns for?

Mr. CULBREATH. I think—I am not sure, but I think I am right in this—1933, 1934, 1935, 1936, 1937, 1938.

The CHAIRMAN. Thirty-eight?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. You didn't file one for 1939, 1940, and 1941?

Mr. CULBREATH. I don't think so. I don't think I did.

The CHAIRMAN. Now Mr. MacFarlane is handling that for you?

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. Is he an attorney?

Mr. CULBREATH. One of the largest law offices in Tampa.

The CHAIRMAN. What is his first name?

Mr. CULBREATH. Howard.

The CHAIRMAN. We are glad to have you up here, Sheriff. I must confess that there are a lot of things I don't understand about all of this testimony, but maybe when we read it altogether it will be clear.

Is there anything else you want to say or counsel wants to bring out?

Mr. PIERCE. Except, Senator, we again want to thank the full committee and especially yourself for the privilege according the sheriff full opportunity to answer charges made against him in Tampa, which was not permitted down there.

The CHAIRMAN. Well, there weren't any charges made.

Mr. PIERCE. Charges were made by the witness, is what I referred to.

The CHAIRMAN. Of course, the sheriff testified down there.

Mr. PIERCE. His testimony was not allowed to be completed, Senator.

The CHAIRMAN. I am sure that any statement he wanted to make to complete his testimony, Senator Hunt would have made provisions for him to do it, but since there was some misunderstanding about it, we are happy to have it.

Mr. PIERCE. Senator, Mr. Culbreath was at his house opening up the safe in company with Mr. Mills, a representative of the subcommittee, at the request of Senator Hunt, with instructions to come immediately back. He was temporarily released to come back. And we went away and the last thing I asked Senator Hunt was: "It is my understanding we are to come right back?" He said, "As quickly as you can."

We went out, and while the sheriff was at his home, as I understand it, with Mr. Mills, opening the safe at his home, the call came in that the hearing had been abruptly ended.

The CHAIRMAN. I do not know the details, but I do know Senator Hunt is a very fair man.

Mr. PIERCE. I am not imputing anything to the contrary, except to explain those facts as they were.

The CHAIRMAN. Anyway, the matter came up, and it has always been our policy to give everybody an opportunity to be heard fully; and when names have been used we invite them to come in and make any explanation they want to make. That is the reason we asked you to come up here.

Mr. PIERCE. I might also say that Sheriff Culbreath and I both came up here against the advice of physicians, but in order to avail ourselves of the opportunity we went contrary to that advice, both of us.

The CHAIRMAN. We hope the trip does not do you any permanent damage. You both look pretty well.

Mr. PIERCE. I feel much better now.

Mr. CULBREATH. In conclusion, I want to express my appreciation. Even though some people said I was stalling and faking, I have been in bed a week, and I was up one day when I wired here, and before I got out of bed my wife was in bed. I arranged for my son and his wife to stay with her and the day I come up here, his wife took the chickenpox, and I had to leave, and I had to get a Negro woman to stay with my wife. That is the true story.

The CHAIRMAN. That is in response to the telegram we got saying you would like to come up sometime later on.

Mr. CULBREATH. Yes, sir.

The CHAIRMAN. All right.

Mr. PIERCE. I believe you said you would let me have a copy of the statement.

The CHAIRMAN. Yes; you may have this.

The committee will stand in recess until Monday morning at 10 o'clock.

(Whereupon, at 7 p. m., the committee recessed until 10 a. m., Monday, February 19, 1951.)

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE COMMERCE

THURSDAY, FEBRUARY 22, 1951

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE,
Washington, D. C.

The committee met, pursuant to adjournment, at 10:30 a. m., in room F-82, United States Capitol Building, Senator Estes Kefauver (chairman) presiding.

Present: Senator Kefauver.

Also present: Downey Rice, associate counsel and Ralph Mills, investigator.

The CHAIRMAN. Mr. Farris, you sent Mr. Rice and myself a copy of your affidavit which has not been released, which can now be released if you wish to.

Do you solemnly swear the testimony you give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FARRIS. I do.

The CHAIRMAN. Mr. J. Rex Farris, Tampa, Fla., when were you first State's attorney?

TESTIMONY OF J. REX FARRIS, STATE'S ATTORNEY, HILLSBOROUGH COUNTY, FLA.

Mr. FARRIS. I was appointed on the 11th of July 1933, and I have been elected five times with very stiff opposition each time.

The CHAIRMAN. That is Hillsborough County, Fla.?

Mr. FARRIS. Yes, sir. Tampa is the county seat.

The CHAIRMAN. Mr. Farris was subpoenaed as a witness before the committee in Tampa. He was not called to testify. His name was brought out or mentioned in the hearings, held by Senator Hunt as a committee of one, December 29 and 30, 1950. Mr. Farris felt that he did not have an opportunity to present his side of the matter, and the committee has asked him and directed him to come here.

His expenses are being paid to and from Washington because we want anybody whose name has been brought out in a hearing to have a full and ample opportunity to be heard. We do not want to do anybody an injustice.

I am sure that if the matter had been brought to Senator Hunt's attention, he would have made some arrangements to have heard Mr. Farris in Tampa, but in any event Mr. Farris is here.

Mr. Rice, our associate counsel, who handled the hearings in Tampa is here. Mr. Ralph Mills, who has assisted the committee in Miami, Tampa, and New Orleans, is also here.

You have a statement which will be made a part of the record at this point. You can either read it or we can have it copied in the record, and then you can make any oral statement which you wish. We will leave that to you, Mr. FARRIOR.

(FARRIOR'S complete statement is identified as exhibit No. 14, and appears in the appendix on p. 497.)

Mr. FARRIOR. Thank you kindly. I want to thank this committee for the opportunity to appear here. As some of the press notices later said that I complained bitterly; that was not the case. I just made the statement—

The CHAIRMAN. I want the record to show that the matter was brought to my attention that you had lawsuits that you were preparing.

Mr. FARRIOR. That is right.

The CHAIRMAN. And that while I was in New York I directed that if it be more convenient for you to come today after you had your lawsuit in Tallahassee yesterday, that that would be all right with me, and so if there is any misunderstanding about it, it is the fault of the chairman and not yours.

Mr. FARRIOR. I appreciate that very much. With the committee's permission, Senator, I might read over this statement and then if there are any questions I will be delighted to answer them.

The CHAIRMAN. All right, sir.

Mr. FARRIOR. This is an affidavit which I prepared on Wednesday and Thursday, February 14 and 15, I believe, and sent air mail special delivery, posted about 6:30 p. m. on the 15th. I would like to read this affidavit.

The CHAIRMAN. Mr. FARRIOR, would you rather read the entire statement or would you rather counsel would ask questions as you read certain points in the statement.

Mr. FARRIOR. All right, sir. It would be agreeable with me. It might be well when I finish one of these paragraphs for counsel to ask me any questions.

Mr. MILLS. That would preserve the continuity that way, because it would be fresh in everybody's mind.

The CHAIRMAN. As we go along then, and you finish a paragraph, Mr. Mills will handle the questioning.

Mr. FARRIOR. This is a very brief personal history.

I was born in Chipley, Fla., am 54 years of age, and have lived in Florida all my life; attended public schools in Chipley and Tampa, Fla., receiving an A. B. degree from the University of Florida in 1916, where I also took 2 years' postgraduate work and a 3-year law course, entering the practice of law in Tampa, Fla., in June 1924. I paid my own way through 5 years of college at the university, by playing professional baseball in the summers, teaching school, and coaching all branches of athletics in the high schools at Chipley, Pensacola, and in Gainesville, Fla. and at the University of Florida. By work and economy, I had saved about \$2,500 in cash at the time I started the practice of law. I made that figure conservative.

I also owned a brick store and a one-half interest in fee to the home place in Chipley, which had been given to me by my parents, Dr. and Mrs. J. R. FARRIOR, and I owned a small house which I had bought from my oldest brother in 1919 for \$1,000. I also owned another small little place there worth four or five hundred dollars which I had forgotten about. I made that small insertion.

The value of that real estate was then about as much as the cost of all of the real estate I now own, consisting of my home, bought in 1938, and a one-half interest in a vacant lot, acquired in 1930. That is all of the real estate I own at this time. I did own a one-fourth interest in some vacant lots, which were sold later, in 1949, and the proceeds spent in improving my home.

Incidentally, when a man is in public office and things of this nature, anything is rumored around, when excitement is on—I put by improving, put a new kitchen in my home and many people have seen it and admired it, and it did cost me about four or five thousand dollars, somewhere around that, which I paid by check.

Mr. MILLS. You say you build the house around 1938. How much is that house worth or how much do you have in it, Mr. FARRIOR?

Mr. FARRIOR. I have in that house, in fact I paid \$5,200 cash for the house and lot.

Mr. MILLS. \$5,200, and then you put \$4,000 in the kitchen.

Mr. FARRIOR. In December 1949, and January and February of 1950, a total of about \$4,000 in round numbers. I paid it all by check on the only banking account, checking account, I had or have had in probably 15 years.

Mr. MILLS. Now you mentioned you had a half interest in a vacant lot, you have now, that is. Who is the other half interest?

Mr. FARRIOR. Yes. My law partner, Mr. Shannon. I have the original deed on that.

Mr. MILLS. What is the value of that, sir, your part of it?

Mr. FARRIOR. Sir?

Mr. MILLS. What is your part on it worth?

Mr. FARRIOR. Well, we have offered it for sale very frequently, my half interest, for five or six hundred dollars, but I have never had an offer.

Mr. MILLS. What is the address of your home?

Mr. FARRIOR. 2413 Sunset Drive.

Mr. MILLS. Now around 1946, if I remember, did you not acquire a large number of probably vacant lots in Maryland Manor and sold them in 1947?

Mr. FARRIOR. No, sir.

Mr. MILLS. No?

Mr. FARRIOR. I acquired those, a fourth interest.

Mr. MILLS. A fourth interest only?

Mr. FARRIOR. Yes; a fourth interest only, in around February 1946, and the lots were sold, practically all of them, in late 1949, and all of that transaction was reported somewhere.

Mr. MILLS. And you say you got about \$4,000 as your part out of that?

Mr. FARRIOR. Roughly. I don't have the exact figures. Well, now let me see. I had approximately a fourth interest along with members of my firm.

Mr. MILLS. Were they the other three?

Mr. FARRIOR. In another vacant lot in Beach Park which we acquired as a fee in 1930 or 1931 before I became State attorney, and between the two we sold that lot also in the latter part of 1949, and between the two I got cash roughly between four and five thousand dollars. I don't have the exact figures.

I could have had, because it all went through my firm books, that is, the moneys went through the firm's books which are audited, of course, regularly, and my portion was paid to me by firm check and parceled the money back to me.

Mr. MILLS. Your partners in this thing, then, were your law partners. Were there any outsiders in it?

Mr. FARRIOR. Yes, sir.

Mr. MILLS. I am talking about the Maryland Manor. You said there were four of you and you had a quarter interest?

Mr. FARRIOR. No, sir; a fourth interest.

Mr. MILLS. Who else was in there? Let's put it that way.

Mr. FARRIOR. The Municipal Bond & Mortgage Co. had a fourth interest. That is one of the construction companies.

Mr. MILLS. And who else, sir?

Mr. FARRIOR. Mr. Jack Smith.

Mr. MILLS. S-m-i-t-h?

Mr. FARRIOR. Yes, sir. He is well known there in Tampa, a prominent businessman, well-to-do, and is a personal client and friend of one of my law partners, and he came in with, I believe, three-sixteenths, I think he had, and then the rest of it was two of my law partners, Bob Shackleford and Mr. George Shannon.

Mr. MILLS. All right, sir.

The CHAIRMAN. Proceed, Mr. Farrison.

Mr. FARRIOR. I might add personal history, I served as a private, corporal, and sergeant in field artillery in World War I, and of course am married and have three children.

I have been practicing law with the same firm (Shackleford, Farrison, Shannon & Stallings) in Tampa for 27 years, and have been a senior member of that firm for nearly as many years. In fact, I was made a member of the firm after 3 or 4 months, and my interest gradually increased. I have a third interest in the firm now, about six lawyers and six secretaries.

I have been State attorney since July 11, 1933—I might add that my firm has always been successful, and we had one of the better, not the best, but one of the better practices in the city—and I have been active throughout in fraternal and civic affairs. While I have given preferred attention to the duties of State attorney, and have spent much time in civic and fraternal affairs, I have always had an active practice in civil law. The interest in my firm, a few bonds, mostly series E, acquired over a period of 12 years, beginning in 1939, one 1940 model and one 1947 model automobile, three small mortgages, totaling about \$1,500, approximately \$500 in a bank account, and my life insurance, completes my worldly possessions. They are offset by one loan of \$400 on an insurance policy, another loan to a Tampa bank for \$3,000, and miscellaneous accounts payable of about \$1,500. All of the insurance on my life was issued between 1922 and 1942, except one policy for \$2,000, issued in March 1947.

The CHAIRMAN. Any questions there, Mr. Mills, on that paragraph?

MR. MILLS. Yes, sir. You say you had three small mortgages worth roughly \$1,500. All we want to know on that is who owes you the money? Who are the three people there, the three sources that are due from?

MR. FARRIOR. One of them, the present person who assumed one of the mortgages, is John B. Wagner.

MR. MILLS. You say he assumed it?

MR. FARRIOR. Yes. The original mortgagor, that original mortgage was for around twelve or fourteen hundred dollars back in 1940 or 1941. I have the exact amount, balance due on it somewhere. And the third mortgage was Mr. and Mrs. Peters, the second mortgage on their home. They are real estate people.

MR. MILLS. They are the ones that owed it as of the time you acquired the mortgage interest? In other words, they were the first ones on this thing to owe you money?

MR. FARRIOR. That is true, and the only ones.

MR. MILLS. Now when you mentioned John B. Wagner, it seemed like you indicated someone else owed you that first, and then Wagner assumed it. Who owed it to you first?

MR. FARRIOR. I am trying to think of the name. That was a piece of property which was taken over when Andrews Field during the World War—and the original mortgagors lost it because their property was really confiscated. It was nullified for several years. Vultee—

MR. MILLS. That was the name?

MR. FARRIOR. Yes.

MR. MILLS. Now how about the third mortgage?

MR. FARRIOR. Vultee Wagner is one, Peters is the other one, and the third one is Compton, Mrs. Compton.

MR. MILLS. Now you say you just have one bank account?

MR. FARRIOR. I have two accounts in the same bank. I have a savings account and a checking account.

MR. MILLS. You said you had the exact amounts. Now what is that, sir, and what bank is it?

MR. FARRIOR. Marine Bank & Trust Co.

MR. MILLS. Both accounts?

MR. FARRIOR. Both accounts. My savings account is 5231. The exact balance on that is \$534.52. That account has been running there for many years.

MR. MILLS. That is a savings account?

MR. FARRIOR. Yes, sir.

MR. MILLS. Now the checking account, how much is on that one?

MR. FARRIOR. Well, I got these figures. I have my January statement here.

MR. MILLS. That is all right. How much is it now?

MR. FARRIOR. On my checking account if all of the checks outstanding clear before the 1st of the month, I will have an overdraft of \$4.44.

MR. MILLS. Minus \$4 and how much?

MR. FARRIOR. \$4.44.

MR. MILLS. And that is the only bank account you have except your firm account?

Mr. FARRIOR. Yes; they are the only bank accounts I have. Our firm account is in the same bank.

Mr. MILLS. What is that you have there, Mr. Farrior?

Mr. FARRIOR. This is the January statement of the account with the figures that I took off my check book of the outstanding checks, and a \$400 deposit that I made on the 19th of February in order to pay some of the urgent current bills. I got an advance from my firm of that amount.

The CHAIRMAN. May I see it?

Mr. FARRIOR. Yes, indeed. Those other things that are clipped to that are some records of loans which I made with the same bank, Marine Bank & Trust Co. I borrowed this list from the proceeds of the loan. This bank account will show how they were paid.

The CHAIRMAN. All right, anything else?

Mr. MILLS. No, sir; that is all for now.

The CHAIRMAN. Go ahead, Mr. Farrior.

Mr. FARRIOR. I can establish, by the public records of this county, that over the past 18 years I have contributed about as much to the advance of honest elections and the improvement of local government as any other one person. I have a lot of records here, even headlines in the papers that over a period, during that period, period of 15 years that will bear that out.

Mr. MILLS. Excuse me. Could I interrupt you just a minute. What is this Cannon Music Co. that you have a check on?

Mr. FARRIOR. Oh, yes. I am glad you brought that up, because Christmas time—I have a daughter 12 years old—

The CHAIRMAN. You bought a piano for that \$1,500?

Mr. FARRIOR. That is right. I just got my check out of it, and it came out of that last loan, which was December 23, 1950.

The CHAIRMAN. Go ahead, Mr. Farrior.

Mr. FARRIOR. Thank you.

I appreciate this opportunity to answer the testimony of all of the witnesses who mentioned my name before this honorable committee at a hearing held in Tampa, Fla., on December 29 and 30, 1950. In answering, I deem it proper to state clearly my jurisdiction and that of our criminal courts.

As State attorney of the thirteenth judicial circuit of the State of Florida, for the county of Hillsborough, I have no power or authority to make any arrests for any crime, and no power or authority to prosecute any charge of gambling or any other criminal offense, except the three capital offenses. It is my duty to represent the State in all cases in the circuit court, which has jurisdiction of no criminal offenses except the capital offenses, for which the punishment may be death. Gambling cases and all other criminal cases, except the three capital offenses, murder, rape, and kidnaping for ransom, must be tried in the criminal court of record, on information filed by the county solicitor, based on evidence before him or one of his assistants. As the State attorney I have only one assistant and no investigator, and no funds with which to procure one. The grand jury must investigate all capital cases, since, under our constitution, no person can be tried on such a case except upon the indictment of a grand jury. There are other officers of this county charged with investigation, arrest, and prosecution of all other offenses. However, the grand jury may investigate

any other matter, other than capital offenses, if, in their opinion, the welfare of the county warrants the duplication of effort and expense. The grand jury, for whom the State attorney is the legal adviser, and who assists in questioning the witnesses and prepares true bills, has no investigator.

The grand jury must depend largely upon the police, deputy sheriffs, and constables who are charged with the direct responsibility for the investigation of and the arrest for the violation of all criminal laws. Any indictment which might be returned by the grand jury for any offense less than the capital offenses, must be certified by the clerk of the circuit court to the clerk of the criminal court of record; who calls it to the attention of the county solicitor. The county solicitor must then call before him for examination under oath, sufficient witnesses to determine if, in his discretion—he has very broad discretion—the evidence supports the charge, in which event he may then file an information in the criminal court of record for trial. Such trial can be had only on an information filed by the county solicitor, and cannot be tried on an indictment by a grand jury.

Ever since I have been in office, I have asked the sheriff's office, the police and the constables, to call the State attorney's office immediately upon the report of a crime which might develop into a capital offense, the only offense which it would be my duty to prosecute. Under the division of our working hours, my assistant answers the call if he is available and, if not, I answer it, recording the testimony by a court reporter, of all witnesses located by the investigating officer, immediately after the occurrence of the alleged crime. I have maintained a file of every case which I have handled since coming into office and these files are open for inspection to anyone for a good purpose.

Mr. MILLS. May I interrupt there. I want to ask you something you covered up a little higher there. You mentioned in there that other than capital cases, the grand jury may investigate—

Mr. FARRIOR. Yes, sir.

Mr. MILLS. May investigate other matters than capital cases if, in their opinion, the welfare of the county warrants the duplication of effort and expense.

Mr. FARRIOR. Yes, sir.

Mr. MILLS. What do you mean by that?

Mr. FARRIOR. By duplication of effort and expense?

Mr. MILLS. Yes. Is it not their duty to investigate a situation of that sort if it exists, and is it not your duty to lead them as their legal adviser to do so? In other words, it has very broad powers, does it not, the grand jury?

Mr. FARRIOR. Oh, yes, it has very broad powers, and as I stated, it can investigate any matter which it desires to investigate if in their opinion it warrants the duplication of effort and expense, if it is for the general welfare of the county, and they have done so from time to time, but they always take a vote.

Mr. MILLS. Would that include gambling and vice?

Mr. FARRIOR. Oh, it has; yes, sir, it does.

The CHAIRMAN. Well, now the question was if the grand jury investigated gambling, who would they be duplicating?

Mr. FARRIOR. They would be duplicating first the duty—the direct responsibility rests, as I said, upon the sheriff, the chief of police,

and the constable to investigate and arrest for the violation of all criminal laws.

They usually go through preliminary hearings before a justice of the peace, and if discharged, that is the end of it. If they are bound over, it is referred to the county solicitor's office, and the county solicitor who has three assistants, then it is his duty to prosecute them provided—and he has a broad discretion—if in his opinion after calling the witnesses before him, which he has to do—he can't file information on a grand jury indictment.

Mr. MILLS. Yes; I understand that.

Mr. FARRIOR. He files the information. That is the only way they could be prosecuted.

The CHAIRMAN. If he files an information, it does not have to go through the grand jury?

Mr. FARRIOR. No, not at all. Gentlemen, if everything worked smoothly and as it should work and if every officer performed his duty fully, there would be no occasion for the grand jury to ever be except for the investigation of capital offenses.

The CHAIRMAN. But, however, when gambling gets rampant or they think that the matter is not being attended to properly, the grand jury has the jurisdiction?

Mr. FARRIOR. Yes, sir.

The CHAIRMAN. To investigate on its own, any sort of vice—gambling?

Mr. FARRIOR. Yes, sir.

The CHAIRMAN. Or improper conduct, and you as the State's attorney are the leader and the director of the grand jury?

Mr. FARRIOR. The law says that it is my duty to attend the grand jury, to assist them in the questioning of witnesses, and to advise them upon the law, which I do and which I have done in every instance that the grand jury ever votes to investigate any matter, I assisted them in every way I can.

Mr. MILLS. But as a practical matter you are the leader of the grand jury and do advise them and should guide them in the matters properly to be considered; isn't that right?

Mr. FARRIOR. If they vote to investigate a matter, then I give them all of the help I can.

Mr. MILLS. Don't you or can't you suggest who they should investigate or what situations they should investigate or look into?

Mr. FARRIOR. I make a suggestion but, gentlemen—

Mr. MILLS. But you do not do that?

Mr. FARRIOR. Well, let me give you a specific example on that if I may. When the present grand jury came in on the first day of its term last October, I read to them and explained to them the jurisdiction of the court, what they could do, and it stated there with relation to gambling that there had been much in the papers and that through experience, as I have my grand jury reports, it is a very tedious matter and I am sure the grand jury now is finding it, trying to track down the leaders; it is not like a gambling house where it is very easy to catch, but people who have been in it for generations, it is a different thing.

And the grand jury are businessmen and are recommended and suggested to them—you asking me that question—on the first term

that they call the officials before them purely to put them on notice and say, "We are going to expect you to do your duty and enforce this law to the last extent and reduce it more than to a minimum," and I said then we can make some check to find out if there is any gambling going on, and then make a predicate for any indictment for nonfeasance. Of course, you have got to make a predicate since the elements of crime have to be established beyond a reasonable doubt, and that is the direct, simple way to do it.

Mr. MILLS. May I interrupt just a minute there. Am I to understand from that that you more or less suggested calling in the law-enforcement officers, the sheriff's office and the police, to find out if this gambling was going on?

Mr. FARRIOR. No, sir. And the constable, you see. We have one constable there with an assistant that covers the greater Tampa area, and suggest, just tell them—I think that is a predicate, a good predicate and a sound predicate if you go to prosecute somebody for nonfeasance, is that we are telling you now not to question them at all except just to say that there are a lot of reports about gambling and we are calling on you. It is your duty and we are calling on you to perform that duty. We are just going to tell you now that we are going to do something about it.

The CHAIRMAN. When was that started?

Mr. FARRIOR. When was that started? I was just saying that I did that on the first day of the present grand jury when it came in around the 1st or 2d of October 1949 and we had a case—

The CHAIRMAN. You had a grand-jury investigation under way. or you have now?

Mr. FARRIOR. Yes, sir.

The CHAIRMAN. So it started just a week or so ago?

Mr. FARRIOR. No, sir. The present grand jury investigation started about 5 weeks ago.

Mr. MILLS. That is being read by Special State's Attorney Mr. Murphy Overstreet. Judge Tillman requested that he be sent down, I believe.

Mr. FARRIOR. No, sir. Well, he may have requested it, but I requested it first. I will get to that a little later in my statement.

The CHAIRMAN. All right, let us get on.

Mr. MILLS. I just wanted to ask this. Now, you said this—that if your grand jury does indict in gambling cases, you say that the county solicitor, who is V. R. (Red) Fisher, must call before him sufficient witnesses to determine whether in effect the indictment has merit or not, and then he may do what he wants to, and I just wanted to make this observation. Maybe in view of the situation down there it might be worth it to force the county solicitor to act, do you not think so?

Mr. FARRIOR. Let me say this. The law does not—the "must" is misplaced just a little bit. The "must" as used there means this: The Supreme Court of Florida held that before the county solicitor can file any information, which must be sworn information, he must hear the witnesses himself. In other words, he can't accept the testimony that came before the grand jury.

Mr. MILLS. I understand that.

Mr. FARRIOR. That is what I meant when I said "must." When that indictment is filed, under the law insofar as that is concerned—

Mr. MILLS. Well, it is tantamount to this—that when there is an indictment of a figure like that and it has got to be prosecuted by him, it is tantamount to a must. He has got to do something when there is an indictment returned against somebody, has he not, so that in effect it does stimulate an effort?

Mr. FARRIOR. He should give the reason why he does it, yes. He is a one-man grand jury.

Mr. MILLS. I understand that; yes. Go ahead with your statement, sir.

Mr. FARRIOR. Under the law, I have nothing to say about the selection or appointment of my assistant. My present assistant was selected and appointed in April 1947 at the instigation of our then State senator, who is my bitter political enemy. He was one of my opponents in the 1948 election and is still politically opposed to me. Although he has law offices associated with that former State senator, my present assistant has worked hard and has done a good job in all assignments. He was present with the grand jury during a gambling investigation in the spring of 1948, and a second one in the spring of 1949—photostatic copies of the reports which I have here—and is in a position to know that the State attorney's office has been operated honestly.

The CHAIRMAN. You said he was present. Were you present too?

Mr. FARRIOR. Yes, sir. I mentioned that because we are not from the same political camp.

The CHAIRMAN. I do not understand the purport of that.

Mr. FARRIOR. I mention that for simply this—

The CHAIRMAN. Are you saying that you and he do not get along well together, or what are you saying?

Mr. FARRIOR. Our relations are business. The conduct of the office—and as I said there—he has carried out every assignment, and he has done a very good job despite the fact—

The CHAIRMAN. There is no diffusion of responsibility. You are the man responsible and he follows your directions?

Mr. FARRIOR. He is wide open. I have never limited him at all. I think he will say that.

The CHAIRMAN. But anyway, what happens in that office you assume responsibility for it. You are not trying to—

Mr. FARRIOR. Oh, no; I never have tried to evade responsibility.

The CHAIRMAN. You are not trying to say he evades instructions or does not do his work properly?

Mr. FARRIOR. I merely mentioned he has been present at all grand jury sessions and should know how it is being operated.

Mr. MILLS. You are not saying he is not doing the work properly?

Mr. FARRIOR. No, sir; I am not.

Mr. MILLS. That he is cooperative, there is no friction between the two of you.

Mr. FARRIOR. No personal friction because I leave politics out of it entirely, sir.

Mr. MILLS. Go ahead.

Mr. FARRIOR. From October 1928 to November 1935 this county had five different persons to serve as sheriff. Since I have been State attorney, there have been three sheriffs and six county solicitors. Out of all of these persons, only one, who indeed was an outstanding per-

son, was replaced because of death. Some of the rest of the men were allegedly "politically crucified." Considerable effort has been made for a number of years to politically crucify me.

The three witnesses who mentioned my name before the committee hearing in Tampa, on December 29 and 30, 1950, are all cousins of James Velasco, belonging to a group headed by one P. Joseph Rodriguez, who produced these witnesses for that hearing.

Now, when I said "produced," they came under subpoena, but what I meant by that was that the witnesses belonged under his immediate group.

In the spring of 1949, an alleged "pay-off list" was circulated by one P. Joseph Rodriguez, on which the letters "Rex???" appeared, but nothing else thereon which could possibly be contended as referring to me, if that did. This alleged list was thoroughly investigated by the county solicitor's office, and found and publicly recorded to be a fraud. I have the complete records on that both from the newspaper and from the grand jury report.

It was also thoroughly investigated by the grand jury and found to have been a fraud perpetrated by P. Joseph Rodriguez, as a "political hoax." This grand jury report of 21 pages was recorded on April 4, 1949, in Minute Book 97, page 463, in the office of the clerk of the circuit court. I said I have photostatic copies of that which I think are most interesting and are in great detail.

The CHAIRMAN. May I see the photostatic copy of the grand jury report?

Mr. FARRIOR. Yes, sir. I have a number of them here.

Mr. MILLS. I might inject here, Senator, that we have made a study of all grand jury reports back during this man's period in office.

The CHAIRMAN. Go ahead, I just wanted to be looking at it.

Mr. FARRIOR. In the summer of 1949, which followed right on the heels of that publicity about the alleged pay-off list, a thorough, meticulous, and rigorous investigation was made into my financial affairs by the Bureau of Internal Revenue. This investigation established that I had reported all income, and had paid the proper taxes thereon, and that every penny of the income reported was legitimate business and professional sources. My entire assets as of December 31, 1944, and as of December 31, 1947, were listed and no change whatsoever was required for the three intervening years.

One thing is certain. If I had been either selfish or dishonest, as the three witnesses who testified before this committee in Tampa might imply, I would have been rich.

Now I took their testimony of these three witnesses in some detail from the record.

Mr. MILLS. Yes, sir. You made excerpts from the record.

Mr. FARRIOR. If you want to go over that I would be glad to.

Mr. MILLS. Yes, sir.

The CHAIRMAN. Do you want him to read the questions and answers?

Mr. MILLS. Yes, sir; if you would, just as you have it in your statement.

Mr. FARRIOR. This, as I said, while I read it and I was familiar in a general way, was hurriedly gotten up, but I wanted to point out certain facts here.

Mario Lounders, now living at 721 Southeast Sixth Place, Hialeah, Fla. I have never in my life seen or talked to this man at any time and do not know him at all. I want to make one qualification there, gentlemen. For 20 years I have attended most of the social functions of our five Latin clubs, very fine buildings.

I go to those places frequently and I shake hands with everybody there that I can and I dance many times late in the evening; I mix with many of them, and it is possible sometimes, when I say I never saw a person, that person might say, "Well, I know him well." Well, he may have seen me a number of times, but I wouldn't know his name. As far as I know, I never have seen Mario Lounders or talked to him in my life, as far as I remember.

Mr. MILLS. He did not say he knew you?

Mr. FARRIOR. I believe he said before the committee he didn't believe.

Mr. MILLS. That is not pertinent one way or another because he did not say he knew you.

Mr. FARRIOR. That is right. He testified before this committee in Tampa, page 549 of the transcript:

Q. Did you work for Jimmie Velasco?

A. No, sir. I helped sometimes; he was my cousin.

A fair analysis of his testimony establishes that he knew little or nothing about the affairs of Jimmie Velasco (bottom, p. 554):

Q. What did you help him do?

A. I drove him around sometimes. I took him around sometimes, when he used to call me at the house to take him around.

Q. And you drove him around?

A. A few times, I did.

Again at the top of page 555:

Q. He was a bolita peddler, was he not?

A. He was.

No charge was ever made by anyone else that Jimmie Velasco was a bolita peddler.

The vagueness and generality of the following answer indicates that he had been coached in generalities (top, p. 555):

Q. Now tell us about his arrangements for protection from law enforcement.

A. Well, a few times that I took him—he told me to take him out in the nighttime to take some money in an envelope, and I asked him a few times what it was about, what he had in the envelope, and he told me—

After an interruption and further questions, this witness then said that he took Jimmie Velasco to a certain place—not to me or any place of mine—and said, "So I stayed outside all the time and when he came out, then we went somewhere else when he came out."

He then testified (p. 556) that he couldn't see if anything was written on the envelope, that it was night:

Q. Was anything written on it?

A. I couldn't see it at night if it had anything written on it.

He then said he went to another place—not to me—which he did not enter, therefore, could not say what occurred inside of that place—which place was not mine.

Reference to the italicized answer above, shows the statement to be that Jimmie Velasco told him a few times "to take him out in the nighttime."

He had not mentioned my name even by implication up to this time, when he was then asked (p. 557) :

Q. And who else?

A. Well, Rex Farrior. That was in the *daytime* with Rex Farrior most of the time. I took him over in the *daytime* to the Tampa Theater Building.

Mr. MILLS. You are only in your office in the daytime usually, are you not?

Mr. FARRIOR. That is right.

Q. He would go in the Tampa Theater Building?

A. I would leave him over there *at the entrance* of the Tampa Theater Building and I would go and park, sometimes I would go around the block a couple of times, and he would come out.

The extent of his statement was that he drove by on the street in front of the building and that this man got out.

Then in response to the leading question :

Q. And did he take an envelope there?

He gave the answer :

A. Yes, sir.

He, of course, was not asked how he knew, if he saw it, what kind of envelope it was or anything about it.

A most pertinent question was then asked Mario Loundres (p. 560) :

Senator HUNT. Did you ever see this envelope prepared before they were delivered? Did you ever see the money placed in the envelope?

Mr. LOUNDRES. No, sir; I did not.

The witness testified that Jimmie Velasco never did leave any envelope with him. He stated that he did not believe that I, or any other persons who were mentioned, knew him. He did not testify that he ever went even to the elevator entrance, but that he only drove by the street entrance and off to park or ride around the block two or three times.

As a further example of the vagueness and uncertainty of this witness, indicative of false testimony—I am talking insofar as I am concerned—and his understanding of how I might have participated, we find at page 562 :

Q. What was your understanding?

Mr. LOUNDRES. That is what I think. It looks like to me if it varies from \$500 to \$2,000, it should be that.

Q. Did Jimmie tell you that?

A. No; he didn't.

That was in reference to me. He said Velasco did not tell him and he did not see.

The Tampa Theater Building is a 10-story building, occupied by many different types of business, professional men and women, including doctors, dentists, lawyers, several insurance companies and finance companies. The offices of my firm on the seventh floor are occupied by 12 lawyers and secretaries, and have been so occupied by that many persons, or more, for about 25 years, with a large reception room, a receptionist, and many people coming in and out. Furthermore, I have no recollection of his being in my office in 6 or 7 years, although it is barely possible that he might have been there two or three times during the past 6 or 7 years.

However, I state positively, under oath, that Jimmie Valesco never gave me any money in an envelope, or otherwise, for any purpose whatsoever.

Mr. MILLS. I did have something I wanted to ask you about your version of Lounders' testimony.

The CHAIRMAN. This is the testimony of who?

Mr. MILLS. Mario Lounders. Now, you made reference there to the fact that Mr. Rice referred to Jimmie Velasco as "a bolita peddler" in the questioning.

Mr. FARRIOR. This witness.

The CHAIRMAN. Referred to this witness.

Mr. RICE. Here is the testimony right here.

Mr. MILLS. He referred to Jimmie Velasco and you took issue with the fact that he referred to him as a peddler. Well, that is corrected elsewhere in the record.

Mr. FARRIOR. I apologize if that is so.

Mr. MILLS. This committee knows as well as you do that Velasco was a bolita banker and who, incidentally, had a good many bolita peddlers working for him.

The CHAIRMAN. Is that correct?

Mr. FARRIOR. That is what I understood. I have no knowledge.

Mr. MILLS. Now, Lounders did not say he worked for Velasco. As a matter of fact, he said that he had been running a filling station, and I believe later a grocery store, and that he was a cousin of Jimmie Velasco and that he was called around on occasion as an accommodation to merely drive Velasco around.

Mr. FARRIOR. I believe that is my recollection.

Mr. MILLS. This gambler usually required a chauffeur. Now among the places he said he drove Velasco to were the Tampa Theater Building where you have your office. You are correct, Lounders did not say he went in, but he said he drove Jimmie there.

Mr. FARRIOR. That is right.

Mr. MILLS. Now, Lounders also testified that Jimmie Velasco paid you off. Now, that is on page 560. He also referred to Culbreath and Eddings, the sheriff and chief of police.

The CHAIRMAN. Let us get the testimony there.

Mr. RICE (reading):

Mr. RICE. Who was Mr. Big?

Mr. LOUNDERS. I can't tell you that. I never asked about that.

Mr. RICE. Who was the real boss?

Mr. LOUNDERS. Well, I don't know. I don't know who. Like I told you, he paid three of them—the sheriff, the State attorney, and the chief of police, so between the three of them, I don't know which of the three of them was the biggest.

The CHAIRMAN. Refer to the page.

Mr. RICE. Reading from page 560. Now, on page 562 he had previously testified that there was an envelope taken, and when Jimmie came back he did not have the envelope any more, and at page 562 the Witness Lounders was asked:

Mr. RICE. With respect to Rex Farrior, the State attorney, I believe you said that the amount paid to him, according to your information, varied?

Mr. LOUNDERS. Yes, sir; it varied.

Mr. RICE. What controlled that variance?

Mr. LOUNDERS. I couldn't tell you about that, because I don't know anything about that.

Mr. RICE. Did he participate in a percentage of the profits?

Mr. LOUNDERS. That is what it looked like.

Mr. RICE. Was that your understanding?

Mr. LOUNDERS. That is what I think. It looks like to me if it varies from \$500 to \$2,000 it should be that.

Mr. RICE. Did Jimmie tell you that?

Mr. LOUNDERS. No; he didn't.

Mr. RICE. Did you get the impression that he was a good friend of Farrior?

Mr. LOUNDERS. I think Jimmie thought a lot of Mr. Farrior?

Mr. RICE. Why do you say that?

Mr. LOUNDERS. Because whenever I went with him, he talked nice about him, how nice a man he was.

Indicating that en route to the place that they were discussing you. The question: "He would take less some weeks than he would others?"

Mr. LOUNDERS. That is right.

That is all.

The CHAIRMAN. Let us have Mr. Farrior's version.

Mr. FARRIOR. I call your attention to the fact that, as I pointed out here by questioning of Senator Hunt, he did not see any money in any envelope, he did not ever come any nearer to me if I was in the building when he put Jimmie Velasco out, than the street.

Mr. MILLS. That is correct. What he testified to, what I think was a conclusion—

Mr. RICE. Yes; that is true. It is an opinion, no question about it. I do not think it has ever been intended it was anything more concrete than an opinion, although he does say this, in talking about the envelopes:

Mr. LOUNDERS. I would leave him over there at the entrance of the Tampa Theater Building and I would go and park and sometimes I would go around the block a couple of times, and he would come out.

Mr. RICE. And did he take an envelope there?

Mr. LOUNDERS. Yes, sir.

Mr. RICE. Now that is three, talking about Eddings, Davis Island, and the sheriff.

Mr. LOUNDERS. That is all.

Mr. RICE. Just those three envelopes.

Mr. LOUNDERS. Yes.

Mr. RICE. Did he tell you what the arrangements were with Farrior or Eddings or Culbreath?

Mr. LOUNDERS. Well, I asked him a few times, it seems like I did, what kind of money was it, and he told me he paid the sheriff \$1,000 a week.

Mr. RICE. \$1,000 a week?

Mr. LOUNDERS. That is right; \$1,000 a week. And Chief Eddings ran from \$250 to \$400 a week, and Farrior used to get from \$500 to \$2,000 not every week.

Mr. RICE. Once in a while?

Mr. LOUNDERS. Once in a while; that's right.

Mr. RICE. How many times would you say that you drove Jimmie around?

Mr. LOUNDERS. Oh, about 8 or 10 times.

Mr. MILLS. Again he was not an employee.

Mr. FARRIOR. Yes; but he did not say that he drove him by the Tampa Theater Building 8 or 10 times, and he never said that he even saw him come up the elevator.

Mr. MILLS. No; he did not say. We have got another witness that does.

Mr. RICE. That is right; you are correct. [Reading:]

Mr. RICE. Was that payoff arrangement perfectly satisfactory to Jimmie or was it burdensome?

Mr. LOUNDERS. Well, once or twice—you mean if he had enough money to pay for it?

Mr. RICE. Was it too much? Was he complaining?

Mr. LOUNDERS. Yes; he was complaining most of the time.

Mr. FARRIOR. Now right there, I don't know anything about that, but that was not with reference to me because if it was that would be in direct conflict with the statement before that whatever he said about me was nice. If I had been taking money from him or acquiring money, he would have been complaining about me.

The CHAIRMAN. Counsel, in order that we can all understand, either Mr. Rice or Mr. Mills, will you thumbnail who Jimmie Velasco was and what happened to him?

Mr. RICE. I think probably we can explain it by the chart.

Mr. MILLS. Jimmie Velasco is a man——

The CHAIRMAN. Was a man.

Mr. MILLS. Was a man who was murdered on December 12, 1948, in Ybor City, a section of Tampa. Up until that time he was identified as a member of the so-called gambling syndicate, chiefly operating in bolita there.

The CHAIRMAN. Was he not supposed to be the leader of the group?

Mr. MILLS. No, sir. He was one of a number. It was broken down in sections allegedly as Velasco was the leader of one group. Now Velasco was not one of the Sicilians but is a Cuban by extraction, though I believe born in this country, and he was prominent not only as a gambler but in politics. He had quite a following in Ybor City, which I think you know.

Mr. FARRIOR. That is his reputation; yes, sir.

Mr. MILLS. Yes; that is correct.

The CHAIRMAN. And they never have solved the murder, have they?

Mr. MILLS. And they never have solved the murder.

Mr. FARRIOR. I question that.

Mr. MILLS. No one has been convicted. Let us put it that way.

Mr. FARRIOR. That is covered a little later on in my statement. There was a person definitely identified and prosecuted.

Mr. MILLS. Yes, sir. Now one other thing in connection with Velasco. Did you ever know him to have a legitimate business of any sort?

Mr. FARRIOR. When I met him I knew of nothing else. I met him in 1940 when the Charlie Wall group had headquarters in a camp upon East Broadway over the stairs upon the corner of Seventeenth Street, and for the opposite, when I say the opposition I am talking about the candidates for governor, legislature, had headquarters for their friends across the street a couple of blocks west. I went to that headquarters because I was, as my record establishes, opposed to those candidates and opposed——

Mr. MILLS. The Charlie Wall crowd?

Mr. FARRIOR. Yes, sir; and I met Jimmie Velasco in that headquarters. He was a clean-cut looking young man, 28 to 30 years old, personality appeared very energetic. He worked hard, according to that situation.

Mr. MILLS. What was he working at?

Mr. FARRIOR. In that campaign. Now he was supposed to have had a job and he was working with an industrial plant, in fact, with a business concern there in Tampa.

Mr. MILLS. Not bank and bolita?

Mr. FARRIOR. No, sir. When I met him he had, so far as I know, no possible connection with it. I want to say that he came up to see me sometime in the course of the next year, but he did come to my office several times after that election and he sort of solicited me, and he was fired from that job and he came to me complaining and said that the Charlie Wall group used influence to get him fired. That was his story. Of course, I was sympathetic. I was on the other side of the fence.

The CHAIRMAN. What do you mean he sort of solicited you?

Mr. FARRIOR. What I meant by that, he came up to see me several times. Senator, the only way I can express it, in politics—

The CHAIRMAN. You mean solicited you to help his slate or something of that sort?

Mr. FARRIOR. Oh, no, no; no, sir. I meant by that he was just more or less obsequious; that is a better word.

The CHAIRMAN. I do not know what that means.

Mr. FARRIOR. I am not sure I do, either, but anyway he came up to me when he lost that job and was fired and made that complaint, and I accepted his side of the story and I called one of the officials of that company.

Mr. MILLS. A small loan company or something like that?

Mr. FARRIOR. Oh, no.

Mr. MILLS. A bank?

Mr. FARRIOR. No, no; it was a big industrial concern. I would rather not mention the name. I will, however, if you would ask me to.

Mr. MILLS. What was it then?

Mr. FARRIOR. It was the Tampa Coca-Cola Co. I called an official in the company and he came to see me to try to get his job back. That was his claim, and I called an official of it and the official said, "Well, I think he is trying to fool with the bolita." I protested; said I did not think so.

Mr. MILLS. You did not think so?

Mr. FARRIOR. No; I did not think so.

Mr. MILLS. But the official said he was trying to fool with bolita, that was Jimmie Velasco?

Mr. FARRIOR. That was his opinion, and he wasn't going to take any chance.

Mr. MILLS. And he fired him?

Mr. FARRIOR. And he fired him for that reason. What I am getting at to you, when I was acquainted with him I had no knowledge whatsoever that he was or had ever been or intended to be—

Mr. MILLS. About when was that?

Mr. FARRIOR. 1940.

Mr. MILLS. All right.

Mr. RICE. Now that made one visit that he came up to talk about the job. What was the reason for the other visits that he came up there?

Mr. FARRIOR. Well, I remember three instances very clearly. Another instance he came up to see me a little later, I would say—I can't remember the time. Of course, this was over a period of 2 or 3 years following the '40 election. He came up to me; had his head all bandaged.

He had been in the hospital and said that a man, an alleged body-guard of Charlie Wall, had waylaid him and his wife and had beaten him up. With the political situation what it was, that is all his story was. I was a very busy man. I mean I worked long hours, was very busy, and I passed over it. That is another distinct time I remember.

I will tell you a third time that I distinctly remember, if you wish.

MR. RICE. Was this in the nature of a complaint that he had been beaten?

MR. FARRIOR. Of course, I had no jurisdiction over it.

MR. RICE. The grand jury did, though.

MR. FARRIOR. Well, the grand jury would not fool with assault and battery.

MR. RICE. If you had no jurisdiction, why was he coming to see you?

MR. FARRIOR. I imagine, that is the only thing I can do, give you an opinion, that is what he told me when he came; I imagine because he knew my political stand, that he was trying to curry favor with me by just telling me what some people who were my political opponents, and so on, had done to him.

MR. MILLS. That you were opposed to the old Charlie Wall gambling crowd?

MR. FARRIOR. Yes, sir.

MR. MILLS. And he felt that his trouble had emanated from that group. You said one of Wall's henchmen, or something like that?

MR. FARRIOR. That is what he claimed.

MR. RICE. Any other trips?

MR. FARRIOR. I will tell you a third trip that I remember, which was, I would say, within that 3-year period. He came up to see me and said—and the only information I have is just what he told me about this. He came up to me and says information had been filed against him by the county solicitor, charging him with something connected with bolita. He said that it was a frame-up and that the witnesses had gone to the county solicitor's office, were sent there by this same group, Charlie Wall group, and the fellow he claimed had beaten him up previously, and said it was a frame-up.

Of course, I said nothing; did nothing about it, of course. The matter passed on. He was tried and a directed verdict of acquittal by the court was given. He protested vigorously his innocence, and I still was inclined to believe him for several reasons. In the first place—

MR. WALL. Did you get in touch with the county solicitor about it?

MR. FARRIOR. Oh, no. In the first place he accused of being framed by people that politically were very much opposed to me, and I was very much opposed to, and secondly that was one of the few direct informations that the county solicitor filed.

MR. MILLS. One against him?

MR. FARRIOR. Yes, sir; and then thirdly, of course, the court directed the verdict, but I don't know a thing about the evidence; never checked on it. I am just telling you that incident.

MR. MILLS. Again, why would he have come to you if you had no jurisdiction over that?

MR. FARRIOR. Well, the only thing I can give you is a conclusion, sir. I told you what he told me, protesting his innocence. The only conclusion I can give you is that when people work in a campaign

with you or for you, they feel like they can call on you with their troubles, and he felt that he would have a sympathetic ear, I presume.

Mr. MILLS. Is it not also open to the interpretation he evidently considered you a pretty good friend, that he would come to you to discuss this, although you had nothing to do with it officially?

Mr. FARRIOR. That is right; nothing officially. Well, of course, I am not saying what interpretation might be placed on it. That is purely thinking.

Mr. MILLS. That could be one; could it not?

Mr. FARRIOR. I think the most sensible conclusion that I can draw is that he felt, having worked in this 1940 campaign—and I might say decidedly one—he felt that he could go to one of the leaders in the campaign with his troubles, and I imagine maybe he was trying to plant in my mind why he was innocent on the theory that it was a frame-up by the opposition gaining.

Mr. RICE. You say, “tried to plant in your mind that he was innocent.” You have got what looks like two strong indications that he was a bolita man. What is your opinion about him? Was he a bolita man or not?

Mr. FARRIOR. Following this——

Mr. RICE. Answer the question.

Mr. FARRIOR. Yes; I believe this will answer your question. Shortly after this third incident that I narrated to you about, I told Jimmie not to come; I mean I at least had reason to wonder, and I asked him not to come to my office or my home.

Mr. RICE. You asked him not to come. You began to sense something was wrong evidently?

Mr. FARRIOR. That is right.

Mr. RICE. So is it fair to say then there was enough smoke that you began to get the concept that maybe he was a bolita man?

Mr. FARRIOR. I believe my answer as good as I can make it is when I began to doubt his protestations of innocence——

Mr. MILLS. Now what date, when was that that you began to doubt that?

Mr. FARRIOR. This would be pretty much of a guess.

Mr. MILLS. Before the 1944 campaign?

Mr. FARRIOR. Right around that time.

Mr. MILLS. Before it, though?

Mr. FARRIOR. I would say '43, '44; yes, sir; around that time. I haven't checked the date.

Mr. RICE. There came a time, then, when you began to doubt the bona fide, shall we say, of Jimmie Velasco, and you more or less cut him off, said, “Don't come around any more.” At the same time there was a fellow by the name of Charlie Wall. What was his business?

Mr. FARRIOR. Charlie Wall?

Mr. RICE. Yes.

Mr. FARRIOR. I never heard any business that he had except gambling.

Mr. RICE. He is a gambler, and there was on June 9, 1930, June 4, 1939, and April 1, 1944, there were attempted assassinations of him by shotguns, two of which times he was actually wounded. Would you say from that that it appeared that maybe there was something to this smoke between Velasco and Wall?

Mr. FARRIOR. That would only be an opinion.

Mr. RICE. You have got one man with a head bandaged and one shot at a couple of times. Do you think maybe something was going on down there?

Mr. FARRIOR. There isn't any question about it. If I can go back, insofar as bolita, there isn't any question about it, Mr. Rice.

Mr. MILLS. Did you then conduct a grand-jury investigation to see if there was anything to the Velasco-Wall argument?

Mr. FARRIOR. There being no killing which necessitated the jurisdiction of the grand jury, the responsibility directly is upon the police, the constable, and the sheriff.

Mr. MILLS. But this is a recurring thing, though.

Mr. RICE. This is a situation which would seem to be fortunately not murder, but the next thing to it when a man was wounded, and certainly your previous statements indicated your grand jury had wide latitude in the scope of its inquiry, and would be perfectly justified in going into these things.

As a matter of fact, it would appear to be almost mandatory that they would inquire into this. What do you say to that? Did you ever call Charlie Wall to the grand jury on this?

Mr. FARRIOR. Not on this.

Mr. MILLS. On these shootings, attempted shootings?

Mr. FARRIOR. Of him?

Mr. MILLS. Yes.

Mr. FARRIOR. Let me say this, gentlemen—

Mr. MILLS. First of all, Did you or did you not ever call him on this?

Mr. FARRIOR. No, sir; not on those attempted shootings.

Mr. MILLS. You did not go into this one before the grand jury at all, the attempts on Wall's life?

Mr. FARRIOR. No, sir. The officers—let me say this—I don't remember whether it was the police, the sheriff, the constable, or both, investigated the matter and made a public report, but they had, according to their report, no clue whatsoever, and there were no witnesses to examine and no witnesses to question.

I want to say I instructed all of those officers the first day I took office on any case that might develop into seriousness, to call me or my assistant and we would or did take down all the testimony of all the witnesses suggested by the officers, which is not our duty, but we go along and assist them in questioning witnesses, and I have rows and rows of files all of which are indexed on everything that has come before the officers, but if the officers have got no witnesses or found no witnesses to question—

Mr. MILLS. Well, Charlie Wall was a witness.

Mr. FARRIOR. Well, I presume from their report that they did question him, because they reported what he said. I remember it being in the paper. They reported what he said.

Mr. MILLS. Did you get a copy of their report of the questioning of him?

Mr. FARRIOR. No, sir.

Mr. MILLS. You do not know whether the questioning was adequate or not, then, do you, of Wall? He is bound to have had at least some theories on who was taking those pot shots at him.

Mr. FARRIOR. Let me say this: If he had some theories—I don't know how much you know about him, but if he gives them he will tell you what he wants you to hear. Every murder that ever happened in the history of Tampa, except two which were allegedly connected with the underworld or gambling, happened during the time when Charlie Wall was a recognized and admitted, and by the public records, the self-confessed and public recorded head and brains of the underworld.

Mr. MILLS. That is correct.

Mr. FARRIOR. Except two.

Mr. RICE. What were the two?

Mr. FARRIOR. Velasco and Lunia.

Mr. MILLS. They were in opposition and a different organization from Walls?

Mr. FARRIOR. That is the general report; yes. You asked me if Charlie Wall would give any theories. If he ever gave any officer or any theory on any of those killings, I don't say he knew anything about them—

Mr. MILLS. You did not get the report and did not call him in so you do not know what?

Mr. FARRIOR. It is the duty of the officers to make those investigations. We tell them we will be present with a court reporter at night or any time and have them any time they get the first witness to question.

Mr. MILLS. But you did not get anything on Wall—

Mr. FARRIOR. They did not call me or my office with the name of any witness in connection with those three incidents.

Mr. MILLS. It was in the newspapers that those attempts were made?

Mr. FARRIOR. Yes, sir.

Mr. MILLS. You know they had been made and presumably some investigation was indicated primarily by the police, of course.

Mr. FARRIOR. Oh, yes; definitely.

Mr. MILLS. Did you not say that your office followed that sort of a situation, murder and attempted murder and that sort of thing closely?

Mr. FARRIOR. Not attempted murder.

Mr. MILLS. I understand you do not prosecute those.

Mr. FARRIOR. No, sir. Here is my instruction and the request of all those law-enforcement officers: that any time a case occurs which might develop into a capital case, to call me or my assistant and one of us, whichever one is available, usually the assistant, will go and question every witness that the officers run down and bring. We take a court reporter and it is reported and all of that testimony has been preserved for the 18 years I have been in office.

Now if it is a clear case where it can't possibly develop into a capital case, they don't call me, because they handle it and it goes through the JP court and the county solicitor's office.

Mr. MILLS. Summing this up again, it looks like whoever was taking these pot shots at Wall was trying to make a capital case out of that one, and it looks like a little more inquiry might have been indicated on it.

Mr. FARRIOR. If I and one assistant attempted to investigate every report of any attempted murder, along with what we have, we would have to have about three or four assistants. We can't possibly do it and don't undertake to do it.

Mr. RICE. Then would it be fair to say if there is an attempted murder down in Tampa, that you just don't bother about it?

Mr. FARRIOR. Not unless the officers call me. Attempted, if the man is wounded and he might die, if there is any chance at all that he might get complications and die, we ask them to call us.

Mr. RICE. You say that it looked like Velasco and Wall were rivals. Would you say that is a fair statement?

Mr. FARRIOR. Well, I would say it would be a fair conclusion.

Mr. RICE. A fair conclusion. How about Lumia and Wall? What was Lumia's business?

Mr. FARRIOR. The only business that I had any knowledge of his having was the gasoline business.

Mr. MILLS. Back in those days, too?

Mr. FARRIOR. Let me tell you the first time I saw Jimmie Lumia that I remember was in the spring of 1938. He was associated, allegedly, with Charlie Wall.

Mr. RICE. Lumia was associated with Wall?

Mr. FARRIOR. Oh, yes.

Mr. RICE. That was in the gambling business, was it not?

Mr. FARRIOR. Oh, yes.

Mr. RICE. It was the only business that you ever knew Wall to be in?

Mr. FARRIOR. That is right.

Mr. RICE. Now there came a time in December 1948 when Velasco was murdered, and in June of 1950 when Lumia was murdered by a shotgun killing. As a result of those killings, did you call Wall before the grand jury to see what he had to say about it, either one of them?

Mr. FARRIOR. No, sir. In fact there wasn't any, the slightest inference or any reason to call him.

Mr. RICE. You have got Velasco coming to you with a bandaged head blaming it on the Wall crowd.

Mr. FARRIOR. Let me say—

The CHAIRMAN. I do not understand that there is not the slightest inference or reason to call him. It looks to me like if you have a couple of killings like that, there ought to be something to call in the grand jury on.

Mr. MILLS. You said they were formerly together anyway, and maybe he might have known something.

Mr. FARRIOR. Mr. Mills, as I said to you, if Mr. Wall ever told us anything he knew, unless it was something he wanted you to know, I never heard of it.

Mr. MILLS. Yes, but you had a murder on your hands. It looks like you could have tried on that, I mean tried to have gotten something out of him by calling him in anyway.

Mr. FARRIOR. I would like to read you, in answer to that, the report before this grand jury. There has been no murder ever in Hillsborough County that is investigated more carefully than Jimmie Velasco.

Mr. MILLS. We are familiar with the investigation, but Wall was not one of them that you questioned. I mean that was the only thing that is pertinent here now.

Mr. FARRIOR. There was nothing to even suspect or infer that Mr. Wall had any knowledge of it, not the slightest.

Mr. MILLS. How about the fact that they were associated together in the past in their rackets?

Mr. FARRIOR. There had been no inference by anybody. Let me say this—

Mr. MILLS. But you could have drawn that inference, could you not, for purposes of further inquiry?

Mr. FARRIOR. Unless there is some evidence to base it on, I don't draw them. Let me say this, Mr. Mills: When Velasco was killed, my assistant was there that night. He went out with the officers to the scene, the city police. He took the testimony of all the witnesses suggested by the officers before the court reporter, a copy of which I have here.

Mr. RICE. Did you say the witnesses suggested by the officers?

Mr. FARRIOR. Or that any evidence suggested; yes, sir. Because it is their responsibility to get the witnesses, we will call anybody they suggest.

Mr. RICE. Were those the sheriff's officers or the police officers?

Mr. FARRIOR. As a general practice the one that arrives on the scene first gets the first call, follows the case through, and others are supposed to cooperate. In this case the city police arrived first and the others were supposed to cooperate.

Mr. RICE. City police, then, were under Eddings?

Mr. FARRIOR. Yes; but the inspector of police at that time was D. D. Stevens. Now let me say this: On the night, not only was there testimony taken Sunday night, but the night, I believe, after the burying; the three brothers of the deceased and the widow, I met them at my office. We spent 2 or 3 hours theorizing and making notes of everything possible.

Mr. MILLS. Did you call them or did they come in of their own volition?

Mr. FARRIOR. I just don't remember whether I was talking over the phone—

Mr. MILLS. Well, Jim came to see you a lot in the past, and maybe they thought of you as the one to come to.

Mr. FARRIOR. Well—

Mr. MILLS. Did you have jurisdiction, or rather, you did have jurisdiction, too, of course?

Mr. FARRIOR. Of course, I had jurisdiction and they should come to me.

Mr. MILLS. You don't know for sure whether you called them or they came over?

Mr. FARRIOR. I would not say. There were four or five there in a group, and the assistant State's attorney continued to take evidence on the 13th of December, right on through the 16th, and all the transcript, of which I have a copy here, and on the 15th. In the meantime, about that time, I guess the 13th, I talked to the brothers and I said, "Somebody has got to be in charge of this investigation, some investigating officer. Who do you think we should have?" I says, "We will try to put somebody in there, and we will get whoever you say is the best man." They said, "Stevens." I said, "All right." He is the inspector of police there.

Mr. MILLS. You, as the official, asked these witnesses whom they thought ought to investigate it?

Mr. FARRIOR. No, sir.

Mr. MILLS. Or whom they wanted?

Mr. FARRIOR. No, sir; I asked those witnesses who they wanted me to place in charge, what officer. I was trying to please them. They said they wanted Stevens; they agreed on Stevens, and he was put in charge on the 15th. I had a conference in my office with Mr. Stevens and my assistant. I don't remember who else was there. I had the court reporter record that conference, a copy of which I have here [indicating]. These are the thin copies, and that is why they are not any thicker than they are.

Mr. MILLS. Well, we have gone into the inquiries that were made—

Mr. FARRIOR. I doubt if anybody has gone into it. That is, not to the extent that this inquiry was made.

Mr. RICE. Would you say that all of the leads were exhausted in the Velasco killing?

Mr. FARRIOR. Every possible lead was exhausted, let me say this, in my opinion—every lead was exhausted.

Mr. RICE. Yes. Well, you were on top of the case, were you not?

Mr. FARRIOR. Well, I was very eagerly trying to help solve it. I was not charged with the responsibility of being on top of it. The officers were in charge of it, and I was cooperating with them.

Mr. RICE. You followed very closely the activities of the officers, is that right?

Mr. FARRIOR. I talked with them, I guess every day.

The Governor sent two investigators down there.

Mr. RICE. Did you ever hear of a man by the name of Louis Sardignia?

Mr. FARRIOR. I have heard that name. I have heard a name similar to that.

Mr. RICE. Yes. Did you ever interrogate him about the Velasco killing?

Mr. FARRIOR. I don't recall. No, I understand that Inspector Stevens and Sergeant Roberts questioned the witnesses all the time. The Governor, when I talked to him over the phone, said, "Would you like some outside State's attorney or something?" And I said, "Yes, but what we need more is some investigators from the outside."

So he sent two men there who worked there, Mr. Ed Gardner and Mr. Elliott, and we had conferences, and then if there was anything worth while, we had a court reporter there.

Mr. MILLS. Why would you want some outside investigators there?

Mr. FARRIOR. Well, in discussing it, for one thing, let me tell you one thing, there were various suspects. All right. We wanted someone to investigate, and there wasn't anyone in the county. For instance, we tried to do a lot of things, we tried to put in some one-way glass, so we could look at them without being seen. I requested the police to get one. They had no special fund for it, and it was delayed a couple of weeks, but it was finally put in.

Now, on the 10th of January—

Mr. MILLS. That was nearly a month after the killing.

Mr. FARRIOR. I would like to read what this report says. It just delineates it step by step.

Mr. RICE. Well, let's get back to the question on Sardignia.

The CHAIRMAN. Excuse me just a minute. Now, I want us to get down to the point. Let us try to leave out as much of this superfluous reading and discussion as we can, and get down to the point of what we are getting at. We are not going to have all day to spend on this matter, and I think we should get right to the point.

Mr. RICE. I asked you if you heard of Louis Sardignia, and then we went off to something else now. When we were down in Tampa we talked to Sardignia, and here is what he told us in effect—he is an illiterate dairy employee of Italian extraction. He said that he worked in a place near an open field, and one day about a week after the killing of Velasco, he heard some firing of weapons nearby, and he climbed up on a fence and looked into this open place, and he saw a number of people firing revolvers and shotguns. Among these people that he saw were members of what we would call a syndicate down there, the Sicilian Syndicate.

They seemed to be practicing target shooting, and what not; there were revolvers and shotguns there. He said that one of those men, about a week later, when he read of the Velasco shooting, he saw a photograph of a fellow named Joe Provenzano, he saw that in the paper, and he recognized his picture as being one of the men who was practicing shooting, and he made an effort to get that information to the law-enforcement officers and to the State's attorney down there, but it apparently was in evidence that he talked to them, and it did not seem like he was ever called. Now, what do you have to say to that?

Mr. FARRIOR. I am glad you mentioned that, because that refreshes my memory somewhat.

Mr. RICE. Yes.

Mr. FARRIOR. One of the important things we were trying to develop in that trial was motive, and that was to connect this defendant with some enemy of Velasco.

Every witness that was suggested by any of the family, we kept talking about it, Mr. Burton, the State's attorney, my assistant and I, even during the trial. Now, during the trial when that question came up, we said, "If you can find a witness to connect this man with one of the murders, that is what we want."

Mr. RICE. Provenzano being on trial?

Mr. FARRIOR. Provenzano being on trial. This was during the trial. In one instance they suggested a girl by the name of Mary something who worked in a drug store over there.

I got a city police officer, a man who was acceptable to the brothers, I have forgotten which officer that was, and we gave him a subpoena and said, "Go get that girl."

He did get her and she was questioned under oath by the assistant, while we were going ahead with the trial.

They came in again during the trial, and this lasted 3 or 4 days. During the trial they came in with something like that, which you said, I don't remember the name, I guess that must have been the name. We sent an officer with a subpoena after that man, and during a recess of the court, I don't know whether it was noontime or during a recess in the court trial, but the trial was still going on, we brought that man in, and he was questioned in front of the

Velasco brothers, or one of them, I won't say which, there were three of them, you see, but at least one of them was present when we questioned him.

Mr. Burton questioned the man thoroughly, and there was not a bit of evidence that he had that was admissible. He said he didn't say anything what he has told you about, about anybody else, he said he saw somebody out there at target practice, practicing with a pistol. We could not prove Joe Provenzano ever had a pistol, and if that would have been admissible, we could have him testify. He could not identify the man he saw out there shooting at target practice as the defendant, Joe Provenzano, and Mr. Burton would have to concur with this, and it was right in the presence of one of the brothers, or maybe the widow would have been there, he said he was sorry that the evidence was not admissible.

Mr. RICE. My evidence is certain that he gave as a reason for coming down that he was surprised to see Provenzano's picture, and he readily recognized Provenzano, and that he told someone about it, and as a result of that the Velasco boys climbed into the enclosure and found some shells, some empty revolver and shotgun shells on the shooting ground.

Mr. FARRIOR. You mean they found shells out there?

Mr. RICE. Yes.

Mr. FARRIOR. Well, that did not prove anything.

Mr. RICE. Here we have a direct conflict.

Mr. FARRIOR. A direct conflict in his own testimony? Because we would have gladly used—

Mr. RICE. I mean between your concept and what Sardignia said.

Mr. FARRIOR. No, sir. I am very clear on what he said. I heard him say it. I heard him testify; I heard him say it.

Mr. MILLS. Do you have stenographic notes on that? Was there a transcript made of your interview with him?

Mr. FARRIOR. Frankly, I was not present. Mr. Burton interviewed him in the presence of some of the brothers.

Mr. MILLS. Were notes kept of that, stenographic notes?

Mr. FARRIOR. I cannot say. That was during a recess of the court, and when you are under the stress of a trial I could not say. Ordinarily I try to have everything recorded by a court reporter, and especially in that case did I try to have that done.

Mr. MILLS. But you are not sure in this instance?

Mr. FARRIOR. I am not sure.

Mr. RICE. In any event, Sardignia did not testify at the trial?

Mr. FARRIOR. No, sir, because his testimony did not connect with the defendant.

Mr. RICE. In whose opinion?

Mr. FARRIOR. It was very clear. He said that he could not identify him.

Mr. RICE. But that was not the opinion of the grand jury?

Mr. FARRIOR. This was during the trial.

Mr. RICE. All right, sir.

Mr. FARRIOR. The two men, and the man there, Mr. Burton, and I don't think anybody would question his veracity on it, I let him do the questioning. I did not question the man.

Mr. MILLS. But you were sitting there.

Mr. FARRIOR. I was sitting right there; yes, sir.

Mr. RICE. And Provenzano was acquitted?

Mr. FARRIOR. Yes, sir.

Mr. RICE. All right, sir.

Mr. FARRIOR. And I might say there were several factors in that trial which came up during the trial which we didn't know about before. I mean, surprises which tended to affect the credibility of the widow who had and did definitely identify him.

You see, the first proposition you had was that you had to persuade 12 fair and impartial men that a widow, some weeks after the killing which occurred at night, at 7 p. m. on a street with no light except one at each corner, and this was about a third of the way in the middle of the block, with oak trees dimming that light and with her daughter there, and the daughter was in the line of fire, and she testified that he had a long coat on with a collar turned up and the hat pulled down over his face.

Now, of course, the first job, which is not an easy one, is to persuade the jury.

Mr. RICE. Did she testify what Jimmie said before he was shot.

Mr. FARRIOR. Yes.

Mr. RICE. What did she say—

Mr. FARRIOR. She said—

Mr. RICE. What did she say Jimmie said just before he died about, "Oh, no, Joe, don't do it, Joe," something like that?

Mr. FARRIOR. On the night of December 12, and I have it here right in front of me, she did not hear that at all. The daughter—

Mr. RICE. The daughter heard that?

Mr. FARRIOR. The daughter, who was about 12 years of age, testified—I will just read what she said on the night of the murder, because it certainly is a fact that there was no bad faith in this. I put a lot of energy in that case, and it was uphill all the way.

But since you have brought that up, I think that is very pertinent.

The daughter on the night of the murder said that her father pushed her to the bottom of the car and that she never saw the man at all, and that she heard her father say, "No, no. No, no."

Now, that was on the night of December 12.

Mr. RICE. Did she say anything about Joe?

Mr. FARRIOR. No, sir; she said nothing about Joe. I have her testimony here. That is pertinent and I would like to read it. It is right here and this is what she said that night:

My father said, "No," and after those first two shots he gave me a push and threw me inside the car.

Q. Inside of the front door?—A. Inside of the back door, because I had already opened it. He had not opened his door yet. He told my mother to duck, and the next thing I knew he was screaming, and the man was running after him. The man said, "I will get you now." He was a very tall man.

Q. Heavy set or a slender build?—A. He had big shoulders. I didn't see very much of him.

And then it goes on from there.

Mr. MILLS. Does that describe Joe Provenzano generally, was he a tall man?

Mr. FARRIOR. As I remember the record, I think he was approximately 5 feet 11.

Mr. MILLS. That would describe him, then?

Mr. FARRIOR. He was tall, probably above average among Latins.

Mr. MILLS. That is all I wanted to know.

Mr. FARRIOR. I want to tell you about this, "No, no," that is what she said, and all she said on the night of the murder.

That was on December 12, and the trial was March 27, 28, or 29, I think about 3 days or 4 days before the trial, and Mr. Burton called me by long distance and said, "I think we have got a break in this case." I said, "Fine, what is it?"

He said, "I will tell you about it when I come over."

Then when he came over to the trial, during the trial, he told me what it was and I said, "Well, lady, here is a record of what you said that night." She didn't say, "No, no," on that night. I said, "I prefer that you question her."

We agreed that we could not afford to leave her off the stand despite that definite conflict, so she took the stand, and Mr. Burton questioned her, so she testified in the trial that the father said, "No, no, Joe," which is contrary to what she testified on the 12th of December.

Of course, the child made a very good explanation on the stand of it, which was or was not accepted by the jury, I don't know. I mean, she tried to say that she was frightened or something—no, I think she said that her mother told her not to tell, or something to that effect, but in that trial there was a direct conflict.

Mr. RICE. Well, that is understandable.

Mr. FARRIOR. Yes.

Mr. MILLS. Now, you mentioned back there about the difficulty in determining the motive for the killing of Velasco.

Mr. FARRIOR. Yes, sir. There is plenty of motive, but you have to connect it with Joe Provenzano, the motive for somebody else killing him is not admissible. It had to be about the man on trial.

Mr. MILLS. We had some testimony at Tampa at the hearing down there to the effect that Joe Provenzano was Salvatore "Red" Italiano's man. Red is reputed to be the leader of this Mafia or Sicilian syndicate down there, and we also had some testimony, I believe, to the effect that there was more or less some bad blood between Velasco and Italiano.

Also that this Provenzano again was Red Italiano's man, and followed him around all the time, allegedly with guns.

Mr. FARRIOR. I read that statement either in the press or in your record.

Mr. MILLS. That is in our record.

Mr. FARRIOR. And I was amazed, because all during the proceedings of that trial Mr. Jeff Elliott and Mr. Ed Gardner, and Mr. Burton will verify it, the assistant state's attorney will verify it, and the members of the grand jury will verify it, they could not dig up the slightest connection where they could have any admissible evidence even showing that Joe Provenzano was connected with Red Italiano, or any other information of that sort.

Mr. MILLS. Did you make any effort to connect the two?

Mr. FARRIOR. We followed up everything they suggested.

Mr. MILLS. Or develop that there was bad blood between Italiano and Velasco?

Mr. FARRIOR. Why, we—

Mr. MILLS. You or your office.

Mr. FARRIOR. Yes, sir. Let me tell you one instance, I don't think this has been made public. This is the first chance I have had to make it public, and I am glad of the opportunity to do so. It is the first chance I have had for a lot of things to be made public.

The CHAIRMAN. Well, we don't want to get into a retrial of the Tampa murder that is 2 years old.

Mr. FARRIOR. Well, I tell you, every possible rumor there was run down.

Mr. MILLE. You had that one?

Mr. FARRIOR. I had that one, and I was going to tell you, but that is just a detail. Every rumor was run down, every rumor, and if it got to anything where it might be testimony, it was recorded in some of the records which I have, and anybody is welcome to them.

Mr. MILLS. All right. Can we turn to page 9 of your brief, where you were starting on Oscar Perez.

Mr. FARRIOR. Yes, sir.

The CHAIRMAN. Well, before we start on Oscar Perez, there seems to be a quorum call up here of some sort.

Suppose we stand in recess until 1 o'clock and start promptly at 1, and let's see if we cannot get through in about 45 minutes after we get back.

(Whereupon, at 12 noon, the committee adjourned, to reconvene at 1 p. m., this same day.)

AFTERNOON SESSION

The CHAIRMAN. All right. Where were we?

Mr. MILLS. Well, he was going to start giving the testimony as to Oscar Perez.

The CHAIRMAN. All right, Mr. FARRIOR.

Mr. FARRIOR. Oscar Perez, who testified that he was a cousin of Jimmie Velasco and that he had been residing on Fifty-sixth Street in Miami for "a little better than 3 years." prior to December 30, 1950. This witness was subpoenaed before Hon. Fred T. Saussy, Jr., assistant State attorney, and questioned under oath in my absence, on December 16, 1948, at which time he said that he was with Jimmie Velasco and others during the Sunday afternoon of December 12, 1948, shortly before Jimmie Velasco was killed.

He testified definitely, however, that he had no knowledge of Jimmie Velasco's personal affairs, and stated that Jimmie Velasco did not tell him his business.

See bottom page 75, transcript, court reporter, December 16, 1948.

Now, I want to read two or three sentences from his sworn testimony under subpoena before the assistant State's attorney in my absence on December 16, 1948, which is in conflict, in direct conflict with what he testified about before this honorable committee. This is on page 71 of the court reporter's transcript:

Q. You have been friendly with Jimmie for a long time, haven't you?

A. Yes, sir.

Q. About how long?

A. Well, he is a first cousin of mine, you can see for yourself.

Q. You knew Jimmie's activities in that connection, didn't you?

A. What is that?

Q. You knew Jimmie's activities in that connection, didn't you?

A. Well, I won't say that I did, that I knew his business, no.

Q. Did you ever work with him?

A. No; so far as working with him, so far as working with him—

He repeated that—

personally is concerned, no, I never have.

Then again on page 75 of that transcript.

The CHAIRMAN. What page are you reading from on your statement?

Mr. FARRIOR. I am sorry. I finished the first paragraph under No. 2 on page 9, and I had in there on the bottom of page 75 of the transcript, the court reporter's record of December 16, 1948, and then I took the liberty, without clarifying that, and what I just read was from the transcript of the official court reporter, as to what he did say before the assistant county attorney at that time, which is contrary to his other testimony.

Mr. MILLS. That was December 16?

Mr. FARRIOR. December 16, 1948.

Mr. MILLS. That was right after his cousin Jim Velasco had been murdered, and he was being questioned on the murder there, wasn't he?

Mr. FARRIOR. Yes; but we were trying to get into motives and so forth. I am not interpreting it.

Mr. MILLS. Well, don't you imagine that there was a certain amount of fear and trepidation that entered his mind, because his cousin had just been killed, and he testified that he felt he should carry a gun prior to that time, and don't you think that that might have affected his testimony at that time? Wouldn't that be possible?

Mr. FARRIOR. Well, I will not undertake to explain his inconsistency. At least it shows one thing, that he is willing to and did testify under oath to conflicting statements.

Mr. MILLS. That was 4 days after the night of the murder, wasn't it?

Mr. FARRIOR. Yes, sir. Mr. Saussy was questioning him.

Mr. MILLS. All right, go ahead.

Mr. FARRIOR. Then reading further down, in answer to the question about the motive he says, on page 75, of this transcript:

Q. You are related to him. What do you think the motive for this killing is?

A. I don't know. It could have been 50 million things. I don't know what could have motivated this thing. So far as animosity is concerned, I don't know of anything, anybody who could hate the boy; he was pleasant.

Q. How about his power and his business?

A. I don't know about that, so far as his business was concerned, I never asked him, and he never told me.

Mr. MILLS. Well, we don't challenge what he said then at all.

Mr. RICE. What is that you are reading from, the grand jury investigation?

Mr. MILLS. Those are the questions of Mr. Saussy.

Mr. FARRIOR. I am just pointing out the comparison.

Mr. MILLS. All right.

Mr. FARRIOR. Now, continuing down on the bottom of page 9:

I do not place this man, although the name Oscar Perez is not unusual in Tampa. I do not recall ever seeing him at any time, unless it was at some social function or at one of our several Latin clubs. This witness was not sure of the section, and did not know the street on which I live.

He said at page 578:

Well, I have taken Jimmie, on several occasions, to Mr. Farrior's home.

He also said:

I have also taken Jimmie Velasco to the Tampa Theater Building and went as far as the elevator with him, and from then on, Jimmie went on into the office, and what the transactions were that were taking place, or going on in there, I didn't hear them.

As stated before, my office is on the seventh floor of the Tampa Theater Building, which is a 10-story building. The elevator is on the ground floor.

I quoted previously in my statement how our office was set up, how many people were working in it, and how many people came in and out constantly during the day.

He did not even claim that he ever came with Jimmie Velasco to my office or in my home, or that he had ever taken anything, much less an envelope, to me, or seen anyone give me an envelope or anything else.

Here again, I state under oath, that Jimmie Velasco never gave me any money in an envelope, or otherwise, for any purpose whatsoever.

The CHAIRMAN. Now, do you have any questions on this particular part while we are discussing this?

Mr. MILLS. Yes, sir. I want to get this observation into the record. I want to get the rest of what Oscar Perez said in this same testimony. Perez testified on page 578 that he drove Velasco on several occasions to your home and waited 2, 3, or 4 hours.

His exact words were:

I have waited there for him sometimes 2, 3, or 4 hours.

Perez also testified that he had driven Jimmie Velasco to the Tampa Theater Building and went as far as the elevator with him.

He testified also that he remembers counting out \$700 or \$800 for Jimmie Velasco to put in an envelope for you and when Velasco left the building—that is the Tampa Theater Building, your office building—he did not have that envelope.

Now, here is what Perez told me in addition to that, and it was prior to the hearing, it did not come out clearly in the hearing, unfortunately.

Prior to the hearing, at the time he took the envelope to your office building he would ride up in the elevator with Velasco and would wait in the hall on your floor, that is the seventh floor, while Jimmie went into your office. Perez also told me that on some of these occasions he saw you come to the hall door of your office, talking with Jimmie Velasco, and that on occasion you would shake hands with him.

I am sure Perez will verify this statement that he gave to me, if questioned further about it. That is what he told me.

Mr. FARRIOR. He probably would. I don't say what he might say.

Mr. MILLS. What do you say to that then? That is what he told me.

Mr. FARRIOR. I said a while ago I believe that in a number of years, I would not try to say how many, definitely, being very busy and seeing so many people all the time, I saw an awful lot of people, but he had not been in my office, as I recall, although as I said he might have been in there two or three times in the last 6 or 7 years. I wouldn't say that—

Mr. MILLS. All right. Do you want to go to Antonio Deschamps?

The CHAIRMAN. Before we go on with that, there is a conflict in the testimony. How about the time when he claims he was sitting outside in the automobile at your home? Did you discuss that? Or did the man come to your home, whatever his name is, Velasco?

Mr. RICE. I will read the testimony.

Mr. FARRIOR. He just read it.

Mr. MILLS. That was more or less of a résumé. I believe it was an accurate résumé.

Mr. FARRIOR. That is the substance of it.

Mr. RICE. He started off by testifying that he worked for Velasco and he said:

My duty was to drive him to and from every place that he went, with the exception of those moments when I had to go home for dinner or otherwise.

Mr. RICE. I see. And when he went to and from, did he usually go armed?

Mr. PEREZ. Well, from late in the afternoon, I would say from 5 o'clock in the afternoon, we would go to his house and he would get his revolver and he would be armed from then on until I could leave his home late at night sometime about 2 or 3 or 4 o'clock in the morning.

Mr. RICE. He would be armed then? How about you?

Mr. PEREZ. I stayed armed all the time.

Then he went on to say the reason that he was carrying a gun was for protection.

Now, he then testified about putting the money in the envelopes, and he is talking about handing envelopes to various people.

This question was asked:

Mr. RICE. Did you ever see him give him any money? An envelope?

Mr. PEREZ. I have seen him hand him envelopes.

Mr. RICE. What was in the envelope?

Mr. PEREZ. Money.

Mr. RICE. Did you see him put the money in the envelope?

Mr. PEREZ. Well, at times I have helped him cut the money.

Mr. RICE. You helped him cut—

Mr. PEREZ. Count it.

Mr. RICE. Count it? You helped him count it?

Mr. PEREZ. That is right.

Mr. FARRIOR. He did not testify that he ever handed me an envelope, or that he ever saw anybody hand me an envelope.

Mr. RICE. He told about going to Melon Head's office, and then about Eddings, in an argument that he had with Eddings.

Then this question was asked:

Mr. RICE. How about Farrior?

Mr. PEREZ. Well, I have taken Jimmie on several occasions to Mr. Farrior's home. If I am not mistaken, I think it is located there immediately west of Howard Avenue, somewhere in that section. I don't exactly recall what that street is.

Mr. RICE. And you—

Mr. PEREZ. I have waited there for him sometimes 2, 3, 4 hours; and I have also taken Jimmie Velasco to the Tampa Theater Building and went as far as the elevator with him, and from then on Jimmie went on into the office, and what the transactions were that were taking place, or going on in there, I didn't hear them.

Mr. RICE. Did you help count any money to go in envelopes for Mr. Farrior?

Mr. PEREZ. Yes; I helped count money for everybody.

Then over on the next page this question was asked:

Mr. RICE. What was Mr. Farrior's arrangement, per week?

Mr. PEREZ. Well, I can't truthfully say it was every week that I went there, understand.

Mr. RICE. Was he irregular?

Mr. PEREZ. Well, something like that.

Mr. RICE. Do you remember any specific amounts that were turned over to Farrior that you helped to count?

Mr. PEREZ. I remember one time counting—I think it was seven or eight hundred dollars. I don't quite remember.

Mr. FARRIOR. Mr. Rice, he previously testified that he never saw any envelope turned over to me at any time, nor did he ever turn any over to me.

Mr. MILLS. He said that Jimmie did.

Mr. FARRIOR. No, sir; no, sir. He testified he never saw him turn over anything to me.

Mr. MILLS. Yes; he said he did not see it.

Mr. FARRIOR. That is right.

Mr. MILLS. But he did say, "Jimmie didn't come out with the envelope." And he saw you shaking hands with him at the office door. He told me that.

Mr. FARRIOR. Well, I cannot help that.

Mr. RICE. Do we have a direct conflict on this? I mean you say he previously testified that he never saw anything. There is nothing in the record that indicates he definitely saw an envelope being placed in his hand.

Mr. FARRIOR. That is right.

Mr. RICE. Well, we don't have a perjury case, so far as your testimony goes now, at least. We see eye to eye on the situation.

Mr. FARRIOR. Well, I am glad you added that last sentence.

The CHAIRMAN. Perez' testimony could be explainable in the light of Mr. Farrior's testimony. Perez did not actually testify that he saw an envelope handed to him.

Mr. RICE. He testified he helped prepare the envelopes, and drove Jimmie to both Farrior's home and to his office.

Mr. FARRIOR. I think he said so far as I was concerned two or three times, didn't he?

Mr. RICE. He said he did all the driving. He said on several occasions to Mr. Farrior's home, I waited for him there 2 or 3 hours.

Mr. FARRIOR. Yes; he didn't even claim he did that with any regularity.

The CHAIRMAN. He said several times.

Mr. RICE. He said several times.

Mr. FARRIOR. I say truthfully, Mr. Rice and gentlemen, that he never, Jimmie Velasco never gave me any money at any time.

Mr. MILLS. Was Jimmie ever at your house, Jimmie Velasco?

Mr. FARRIOR. As I testified this morning, if you will recall—

Mr. MILLS. He has been to your home?

Mr. FARRIOR. Oh, yes; he has.

Mr. MILLS. Have you been to his?

Mr. FARRIOR. I never have.

Mr. MILLS. You never have?

Mr. FARRIOR. Never in my life, that I know of.

Mr. MILLS. Are you sure of that?

Mr. FARRIOR. Well, if I did, I didn't know it was his house. I don't remember. I don't even know where he lives. I don't remember that I have ever been in his house.

Mr. MILLS. You don't remember, but you think it is possible that you might have been.

Mr. FARRIOR. Well, it is not likely.

Mr. MILLS. It is not likely.

Mr. FARRIOR. No.

Mr. MILLS. Maybe in campaigns, something like that, going around shaking hands?

Mr. FARRIOR. That is not likely.

Mr. MILLS. That is not likely?

Mr. FARRIOR. No, sir. Of course, with as many places as I have been to, to make a positive statement that I never was anyplace, that would be hard to say, but to the best of my recollection I have never been in his home.

Mr. RICE. All right, sir.

Mr. MILLS. Now, do you want to go on with Antonio Deschamps? And by the way, that name should be spelled D-e-s-c-h-a-m-p-s?

Mr. FARRIOR. Yes. There was a misspelling in your record, the court reporter down there made a mistake.

Antonio Deschamps, who is not in Key West, Fla. I never knew, saw, nor heard of this man until the spring of 1949, when he came before the grand jury during the investigation of the murder of Jimmie Velasco, which occurred on December 12, 1948, and the investigation of an alleged pay-off list, circulated by one P. Joseph Rodriguez, then a member of the city board of representatives, from West Tampa, and chairman of the police committee. Mr. Rodriguez was an intimate of Jimmie Velasco. The testimony Antonio Deschamps gave about me was not only opinion and hearsay but, certainly insofar as I am concerned, wholly false, as conclusively established by these facts:

1. When Hon. Fred T. Saussy, Jr., my assistant State's attorney, was cooperating with the inspector of police, who was in charge of the investigation of Jimmie Velasco's murder, by questioning any witness suggested by anyone, he, Mr. Saussy, questioned Antonio Deschamps.

I was not present and did not know the witness' name, or that he had been questioned until some days later.

He then testified under oath, in response to a subpoena, that he was with Jimmie Velasco, his cousin, and several others during the afternoon of that murder.

The ease with which this witness gave false testimony, under oath, with fatal and irreconcilable conflicts, is seen by a comparison of his testimony before Mr. Saussy, with that before the grand jury later, and with that, nearly 2 years later, before this honorable committee:

(a) Before Mr. Saussy, on December 16, 1948, this man said—and I have the record right here, at pages 58 and 64 of the transcript of the record prepared by the official court reporter:

Question. If Jimmie wanted to check on bolita operations around here, where did he go to do that?

You see, he was trying to get into the background and the motives of this murder.

Then the answer was:

Answer. I could not tell you, because I did not go with him.

Question. You never aided him or assisted him in any way in bolita operations?

Answer. No, sir.

Question. You don't know anything about his operations at all?

Answer. No, sir.

Question. Did he ever talk to you about them at all?

Answer. No, sir.

And then again:

Question. You had heard talk about that before, hadn't you?

Answer. About what?

Question. About Jimmie taking over bolita?

Answer. He never talked to me about that, I am the type of fellow, I have been knowing Jimmie, he is my first cousin, and we used to get along fine, and

used to go out a lot together, but I never did try to find out his business. In other words, if I was to come into this room, and he was talking to you, I would not try to stick around to see what he was talking about. I would leave the room.

Now, the same witness, Deschamps, after securing immunity by the foregoing questions—

Mr. MILLS. Let me interrupt you there just a moment. He was being questioned on a murder investigation. What sort of immunity would be accorded him? He was not under consideration as a suspect, was he, Deschamps?

Mr. FARRIOR. Well, he would not get any immunity as to the murder. There are five cases under the law of Florida under which a witness gets immunity, if questioned by a judicial or quasi-judicial officer, such as an assistant State's attorney.

Those five cases are elections, violations of election laws, bribery, gambling—

Mr. MILLS. But the question was asked in a murder inquiry. It was not directed against gambling?

Mr. FARRIOR. Well, the minute you asked him the question—if he had not been asked any questions about any gambling, he would not have received any immunity.

Mr. MILLS. Was he considered by you as a suspect in gambling?

Mr. FARRIOR. I was not present when he was questioned.

Mr. MILLS. Or by your office?

Mr. FARRIOR. I could not tell you. As I said, I didn't know he had been questioned until sometime after.

Mr. MILLS. Well, you make the point that he secured immunity.

Mr. FARRIOR. Yes, under the law, there isn't any question about it.

Mr. MILLS. Well, I don't know about that. All right, sir.

Mr. FARRIOR. Well, I have been through the courts on it, and under the law of Florida I can say—I don't know about the other States—but I can say under the law of Florida that that is so.

Mr. MILLS. All right. Go ahead.

Mr. FARRIOR. All right, sir.

Mr. MILLS. Excuse me for interrupting you.

Mr. FARRIOR. The same witness, Deschamps, after securing immunity by the foregoing questions before the assistant State's attorney, thereafter, on March 8, 1949, testified before the grand jury of Hillsborough County, and was questioned by an able outside State's attorney, assigned here by the Governor, to assist in the investigation. In response to questions propounded by that State's attorney before the grand jury, in return for which he was again given immunity—and if there was any question about the other time, there isn't any under the law—I did not ask him a single question, and after political and factional motives had developed, he testified in some detail as to the method of keeping the "in and out sheets" of bolita sales and "hits," and the resulting profit or loss.

He gave some hearsay testimony about some other officials, which that jury found inadmissible and insufficient, see grand jury report recorded April 1, 1949, in minute book 97, page 441, but Deschamps did not mention the name of J. Rex Farrior.

Up to this point he had not mentioned my name at all.

Mr. MILLS. Was he asked specifically if you had participated?

Mr. FARRIOR. That comes right in, as I said he gave this what was hearsay testimony, in which he mentioned persons, and since I am not concerned with that I didn't even mention the names, but he mentioned four persons, and it was hearsay.

Now, here is the question asked of him :

Question. That was the distribution that was made there at the office every Monday morning?

Answer. Yes, sir.

The money was carted around to various people.

Mr. MILLS. He said he was there?

Mr. FARRIOR. Before the grand jury, I believe he did, I am not sure about that, but whether it was opinion or hearsay, that was the purport of it.

Mr. MILLS. Sure, sure; go ahead.

Mr. FARRIOR. And this question was asked :

Question. Does that cover all of it?

Answer. Yes; as far as I know.

Question. That is the only ones that you know of that any distribution was to be made?

Answer. Yes.

Mr. MILLS. Had he been asked specifically the question, "How about State's Attorney J. Rex Farrow," or some words to that effect?

Mr. FARRIOR. Well, the only way I can answer that question is that after he had given the testimony and told all the workings, they had some in and out sheets there, and he gave testimony, it was not direct testimony, it was partly opinion and hearsay, but it implicated, by reference, four persons, but not me. And then he was asked these questions :

"Was there anyone else?" And he said, "No, sir."

Mr. MILLS. Yes.

Mr. FARRIOR. It was very clear-cut, and I have the reporter's record here on it.

Mr. MILLS. Now, this was the testimony dated March 8, 1949?

Mr. FARRIOR. What I just read was the testimony of March 8, 1949 before the grand jury, a copy of which I have right here, sir.

Mr. MILLS. All right, go ahead.

Mr. FARRIOR. I quoted it verbatim.

Now, reading again :

During the same grand jury investigation, Antonio Deschamps testified at length about the "in and out sheets" showing the sales, the hits, and the profit and loss for the week, but did not mention the name or the initial of anyone being on the bottom of said "in and out sheet."

Now, I want to make this very positive statement, that there was no "R" on there, as he later testified to you gentlemen.

Mr. MILLS. That is right, as to this particular sheet he was looking at at the time, that he was being questioned on.

Mr. FARRIOR. They had a bunch of them there.

Mr. MILLS. That is correct, but there were other sheets that were not before them. Well, anyway, go ahead.

Mr. FARRIOR. Furthermore, if there are, I would like to see them.

Mr. MILLS. So would I.

Mr. RICE. Didn't we ever get them?

Mr. MILLS. No, not those.

Mr. FARRIOR. No, sirree.

Mr. MILLS. Go ahead.

Mr. FARRIOR. Furthermore, a number of such "in and out sheets" were presented to the grand jury by this witness and one Roy Velasco, brother of the deceased Jimmie Velasco, and there definitely was no "R" thereon, as testified to by Deschamps before this honorable committee in Tampa, on December 30, 1950.

On the latter occasion, before your committee, nearly 2 years after testifying before the grand jury, this witness was shown some "in and out sheets" and stated, on page 544 of the record, that he could not read them and did not know to whom they belonged. He then testified, contrary to both previous statements under oath, and contrary to the "in and out sheets" themselves, which were shown to the grand jury on March 9, 1949:

Well, I had noticed at the bottom of the list some names, one name in particular, on top.

Now, that was not my name.

At the bottom of page 546, he said:

There was an "R" next to that.

Now, gentlemen, all the witnesses—in the first place the grand jury heard, according to their report, that group, Rodriguez and the three brothers in my absence, I wasn't even in the grand jury room.

Then later they presented their witnesses, and Mr. Burton subpoenaed them, and I didn't even know who was coming before the grand jury, and I think they were questioned at length. They brought all these things in, and all the people purportedly that they could get to come up.

I think the members of that grand jury and the assistant State's attorney—I have not talked to them—well, I did, I talked with the assistant State's attorney, and I asked him whether any initials on the bottom of the list, was they any "R" on the bottom of any of those lists.

Mr. MILLS. Well, there is no controversy on that. Not on the sheets that he had before him at that time, in any event. Go ahead.

Mr. FARRIOR. All right, sir. Of course, if there had been one, it would only be hearsay, but there wasn't any.

Mr. MILLS. All right. Go ahead.

Mr. FARRIOR. Again at the bottom of page 548, Antonio Deschamps, the same witness, was asked:

Well, what was the word you got from Jimmie as to the protection? You knew he was paying it because they were permitting you to operate isn't that true?

Mr. DESCHAMPS. I couldn't say to that.

Now, as to No. 8, I think that point is covered sufficiently.

Mr. MILLS. That is all there is on Deschamps?

Mr. FARRIOR. That is right.

The CHAIRMAN. Do we have any questions about him?

Mr. MILLS. Yes.

Mr. RICE. Well, the testimony starts on page 539, and I will just summarize it, and if there is anything in conflict I would appreciate it if you would say so. I will try to do it the quickest way I can.

Deschamps testified, he said :

I worked for Jimmie Velasco.

Mr. RICE. You worked for Jimmie Velasco. How long ago was that?

Mr. DESCHAMPS. Up until the time he got killed.

Then over on the next page.

Mr. RICE. What was he doing? What was his job?

Mr. DESCHAMPS. His job?

Mr. RICE. Yes.

Mr. DESCHAMPS. He was banking bolita.

Mr. RICE. He was banking bolita. He was a gambling operator. And what was your job?

Mr. DESCHAMPS. Just checking.

Mr. RICE. Just checking. What did you check?

Mr. DESCHAMPS. Checked the sale of the bolita peddlers.

Then a little further on it says :

Mr. RICE. And you worked very closely with Jimmie Velasco on that and would see him every day?

Mr. DESCHAMPS. Pretty near every day.

Then he said further down that he was a cousin of Velasco. He was then shown some photographs of in and out sheets, and from his testimony on what the various figures meant, the percentage that the peddlers got, and the hits and expenses. Then this question was asked :

Mr. RICE. And what are these figures down at the bottom here?

Mr. DESCHAMPS. Well, this is where they used to put the expenses.

Then he talks about the expenses and the protection.

Now, then, the question came up about Velasco complaining about losing money, and having to make big pay-offs, and Deschamps said :

He had made this remark about having to, after losing all that money, he still had to pay—to make this big pay-off.

Mr. RICE. What were those big pay-offs that he had to make?

Mr. DESCHAMPS. Well, I had noticed at the bottom of the list some names, one name in particular on top. That name was Cabeza de Melon.

Then further on down he said that Cabeza de Melon translated means "melon head."

Then this question was asked :

Mr. RICE. And who was that?

Mr. DESCHAMPS. I couldn't say for sure. From what I heard that was the sheriff.

Then down a little further Mr. Deschamps said :

There was an "R" next to that.

Mr. RICE. What did that stand for?

Mr. DESCHAMPS. Let me get to this point first?

Mr. RICE. Sure.

Mr. DESCHAMPS. When I was taking him home that afternoon, I had noticed those names there several times and I had never asked him about that myself, but this day—I don't know—I was just curious, I guess—and I asked him who they were. There was Melon Head, the sheriff.

Mr. RICE. Cabeza de Melon was on there?

Mr. DESCHAMPS. Yes.

Mr. RICE. And "R"?

Mr. DESCHAMPS. "R" was Rex, Rex Farrior.

Now, going over to the next page this is what follows :

Mr. DESCHAMPS. Well, this top one, it was \$500.

Mr. RICE. On the top one, Melon Head, it was \$500. Is that a weekly figure?

Mr. DESCHAMPS. I think they were weekly, yes.

Mr. RICE. A weekly figure. All right. What was on the "R"?

Mr. DESCHAMPS. \$500.

Mr. RICE. \$500 more. And how about "ED"?

Mr. DESCHAMPS. \$250.

Mr. RICE. Was that, of your knowledge, in operations there, a weekly pay-off to the three officials, totaling \$1,250?

Mr. DESCHAMPS. That is right.

Mr. RICE. Did that take place during the entire time that you were there with Jimmie, to your knowledge?

Mr. DESCHAMPS. Well, I couldn't swear to that. Sometimes I saw that list and sometimes I didn't.

Then he testified that he was working with him for about 3 years, I believe, and during that time he was never arrested or molested. I said:

Well, what kept you from being arrested?

Mr. DESCHAMPS. I don't know.

Mr. RICE. There was a pay-off, was there not?

Mr. DESCHAMPS. It looked to me like there was.

Mr. RICE. That was your understanding?

Mr. DESCHAMPS. Yes.

Mr. FARRIOR. Mr. Rice, so far as I am concerned, he did not give one iota of direct evidence that was admissible in court. It was opinion and hearsay. It was in direct conflict with two prior examinations under oath, neither of which I made.

Mr. RICE. Yes, sir.

Mr. FARRIOR. Furthermore, the so-called in-and-out sheets were brought before the grand jury, and the grand jury saw them.

Mr. MILLS. This man did not bring the sheets; he is not accountable for what was brought in.

Mr. FARRIOR. Roy Velasco, one of the brothers, had them and he asked they be given back to him. They were given back to him by the grand jury after he was out.

But those sheets did not have any "R" on them.

Mr. MILLS. That is correct. Here is what he told me on that—

Mr. FARRIOR. Well, I am not surprised about that. I am not arguing about what he might have told you, but I am trying to tell you what the facts were there.

Mr. MILLS. Well, at the time I did not get to help on the questioning of this particular witness down there because, as you remember, I was out searching the sheriff's safe at the time, but Deschamps had told me that one time Jimmie told him that the expenses listed at the bottom of the then current, at that time current in-and-out-sheets, was headed by the sheriff and then the "R" stood for you, and "ED" stood for Eddings.

Now, in the hearing he was shown one of these older sheets.

Mr. FARRIOR. The hearing before you; that is what you are talking about?

Mr. MILLS. Yes; and in your hearings, too, it was the same stuff that came from the Velasco family, so we are talking about the same sheets, I know that.

Mr. FARRIOR. Well, there wasn't any "R" on that, was there?

Mr. MILLS. No, there was no "R" on that one.

Now, his explanation of that was that this old sheet was prepared by Friscia, another member of the syndicate whom we had some testimony regarding as being a partner at one time of Jimmie Velasco, part of the syndicate, and that these were old records. Presumably he

did not know for sure, but he thought they were kept by Gus. He said, "I don't know anything about those. I never saw those."

He said he only worked 2 years for Jimmie.

Mr. FARRIOR. That was about some that you showed him before the hearing before you gentlemen?

Mr. MILLS. Yes. It was put down there, it was not made clear to counsel whether these were old ones, so there was no "R" on that. He said subsequently when he worked for Jim, that they did have "R's" on them. How about that?

Mr. FARRIOR. Well, they certainly did not, so far as any I saw, and the grand jury, and there were 18 men who saw them, besides the State's attorney and the assistant State's attorney, and I saw them, and there wasn't any "R" on them, and if there was ever an "R" put on any of them, it had reference to somebody else and not to me.

The CHAIRMAN. While we are at it, I notice the name Eddings has been brought out both in the hearings in Tampa and here. Was he invited to come up here?

Mr. RICE. Yes. We sent him a telegram last week, Senator, and suggested that in view of the fact that his name had been mentioned that he might care to testify here.

We subsequently received a telegram from him that he declined.

The CHAIRMAN. He did not want to come up.

Mr. RICE. That is right.

The CHAIRMAN. All right.

Mr. RICE. Well, you may go ahead, Mr. Farrior.

Mr. FARRIOR. About December 22, or 23, 1950, the United States marshal in Tampa called my office in my absence. In response thereto, I went to his office and received from him a subpoena to appear before this honorable committee at 9:30 a. m., on December 30, 1950, in the Federal Building, Tampa, Fla.

I appeared at the appointed hour, sitting in an anteroom where I could not hear the questions and answers, or see the witnesses, until the hearing adjourned that afternoon of December 30, 1950.

Since I was not heard at that hearing, I again state that I am appreciative of this opportunity to have my statement filed and recorded with this honorable committee.

I want to repeat to you that I am glad of this opportunity that I have to say about some things. You know, there are a lot of rumors, and you hear about these rumor factories among certain classes of people, but this is the first chance I have really had to answer many of those things.

The CHAIRMAN. Let me say at that point, Mr. Farrior, that it was stated when the matter was first called to my attention, in any event I stated that it has always been the policy of our committee, and that we would follow it, to give anybody whose name was mentioned a chance to be heard, and, if they had been done an injustice, then they could correct it. If we did not hear them at that place I said that the committee would pay their expenses to wherever it was necessary.

So you have known all along that you would have a chance to be heard.

Mr. FARRIOR. That is right. Well, perhaps "chance" was the wrong word to use in there.

I meant that this was the first time that I had an opportunity to answer them, whereby it might be made public.

The CHAIRMAN. Yes.

Mr. FARRIOR. That is what I meant. You made that statement several times in the press, and as I stated in my letter transmitting this statement [indicating], I am very appreciative of the opportunity that you have given me to do this.

Well, now I am ready to go ahead with No. 9.

The CHAIRMAN. Do you have any questions about this other matter, Mr. Mills?

Mr. MILLS. No.

The CHAIRMAN. All right. Go ahead with the next paragraph.

Mr. FARRIOR. During the course of the hearing on December 30, 1950, in Tampa, I ordered, through the official court reporter in charge of recording those proceedings, a copy thereof for the Hillsborough County Grand Jury. The cost thereof was paid by Hillsborough County, upon my approval, and the original delivered to Hon. Henry C. Tillman, circuit judge, for delivery to the present grand jury.

Within a day or so after that complete record was delivered to me by the court reporter of the Federal court, I wrote Judge Tillman, sending a copy to the press as follows:

Senator Hunt, at the close of the hearing held by him on behalf of the United States Senate committee last Saturday, December 30, 1950, stated that their evidence would be made available to the law-enforcement officers, including yourself, when they transmitted to you the written record. I am asking that, as soon as this is ready for delivery to the grand jury for their consideration, you request the Governor of Florida to assign an outside State attorney, who is both able and fair, to meet with and assist the grand jury in a consideration and investigation of that evidence.

I am sending a copy of this request to the Governor and to the press, so there will be no question about my desire for a fair and impartial consideration of the matters contained in that evidence in accordance with the law. This request is made because my name was mentioned, despite the fact that such testimony was not only utterly false but hearsay.

Now, I am speaking about myself; I am not talking about anything else except J. Rex Farrow.

Now I am ready to go on with the next paragraph. Do you have any questions on that?

Mr. MILLS. No questions.

Mr. FARRIOR. Hon. W. Murray Overstreet, State attorney, was assigned by the Governor to assist the present grand jury. I have not discussed this investigation with Mr. Overstreet, or with any member of the grand jury. However, on January 25, 1951, I wrote him, sending a copy for delivery to the grand jury, containing the following paragraph:

I will be delighted to appear before the grand jury anytime and will look forward to this privilege. I will gladly waive any immunity by reason of such appearance. As publicly stated, I desire a fair and impartial consideration of those matters mentioned in the Kefauver hearing. Furthermore, I believe that I can give you some facts which should assist you in arriving at the truth—that references to me are both hearsay and false.

I have not yet appeared before the grand jury during this investigation, but will be glad to do so if desired. After this statement has become a matter of record with your committee, I will mail a copy to Mr. Overstreet, if it is permitted under your rules.

The CHAIRMAN. Yes; it is permissible. You may mail it.

Mr. FARRIOR. Thank you, sir.

The CHAIRMAN. Do you have any questions on that phase of it?

Mr. MILLS. No questions.

Mr. FARRIOR. Well, we covered this pretty well this morning, but I will go over this:

The murder of Jimmie Velasco was investigated as extensively, if not more so, than any murder which ever occurred in this county. A detailed report of that investigation was made by the grand jury, recorded April 1, 1949, in minute book 97, page 441.

The investigation of the deputy sheriff and detectives was aided by two special investigators sent here by the Governor of Florida, and by an outside State attorney, also assigned here by the Governor of Florida.

The widow definitely identified one Joe Provenzano, who was indicted and prosecuted by the outside State attorney, my assistant, and myself.

The case went to the jury and the defendant was acquitted. Several factors affecting the credibility of the State's witnesses appeared in the case, at least two of which were unknown to the prosecution prior to the trial.

In addition thereto, the State was confronted with the problem of convincing the jury, beyond a reasonable doubt, that the widow, though honest in her identification, could some 40 days after the murder, identify a man, whom she had never seen prior to the murder, at which time said person had on a long coat, with the collar turned up and a hat pulled down over his eyes, at night, near the middle of the block between two street lights, where there were some shadows of trees, and under excitement.

The State did produce evidence to the effect that a person could identify another at that location, under those conditions, at the distance the widow stated the murderer was from her.

We cover some other items with regard to the motive.

The CHAIRMAN. Do you have any questions on that?

Mr. MILLS. No questions.

Mr. FARRIOR. James Lumia was murdered on June 5, 1950. This was the second murder of persons alleged to have been connected with gambling, or the underworld, in the past 10 years and 5 months.

All other murders of persons alleged to be connected with gambling and the underworld occurred prior to December 1940.

The police and deputy sheriffs insist that they have developed every clue connected with James Lumia's death. Every witness produced or suggested by any of the officers was questioned by my assistant or myself and the testimony was recorded by the official court reporter. The grand jury, in session, questioned those officers and witnesses and made a report on this unsolved case, which was filed and recorded in September 1950.

The two eyewitnesses who were talking to James Lumia when the killer car rolled up, signaled his intention to turn, and shot Lumia, were unable to give a reasonable identity of anything, and even disagreed on the make and description of the murder car.

A rumor story appeared in a local paper, which might have thrown some light, and the source of that rumor was traced to one person, who was questioned by me, under oath, in response to a subpoena, on June 26, 1950.

A 71-page transcript of the testimony was recorded by the court reporter; this testimony disclosed no possible clue. The witness was

a local "politico," who admitted being in the employ of a local politician.

The witness owned an old automobile and was making airplane trips to Miami and Tallahassee, despite the fact that his wife and five children are on county welfare relief, and he has held no job for more than 2 years.

I have a transcript of the testimony, and as a matter of fact he mentioned about going to Miami and he mentioned some relatives of his or something down there. I don't remember who they were, and I even wrote the State's attorney down there and asked him to subpoena the witness and question him.

The CHAIRMAN. Do you have any questions?

Mr. MILLS. No.

The CHAIRMAN. Mr. Rice?

Mr. RICE. No.

The CHAIRMAN. Is there anything else you wanted to add, Mr. Farrior?

Mr. MILLS. That ends your prepared statement; doesn't it?

Mr. FARRIOR. Yes, sir.

The CHAIRMAN. Mr. Farrior, I think the general idea of this testimony conveyed by the hearing was, and I would like for you to comment on this, that you came in in 1934, I believe.

Mr. FARRIOR. 1933, sir.

The CHAIRMAN. 1933; as State's attorney.

Mr. RICE. That was all on the statement.

The CHAIRMAN. Yes, I know, that is in the prepared statement; but as of that time you had a gang operating down there that was called the Charlie Wall group, and you went after those people pretty vigorously, as I remember the testimony, and you were responsible for the grand jury bringing in a good many indictments, including one against Sheriff Culbreath in 1938, I believe; is that correct?

Mr. MILLS. Who was then a constable.

Mr. FARRIOR. There were seven principals, and nine officials. Incidentally, the testimony, a lot of the testimony which was gotten, was gotten by myself and the grand jury, by going into places. Of course, the courts held that that gave them immunity, and the net result, I think, was that out of all the persons only one was convicted, and he pleaded guilty and was fined \$750.

The CHAIRMAN. We have here, for instance, a photostat of a telegram which I think probably proves the point. The telegram is dated Tampa, Fla., April 4, 1938, and it is to the Honorable Fred T. Cone, Governor, State of Florida, Executive Mansion, Tallahassee, Fla., and the telegram reads as follows:

For many years Tampa has suffered economic strangulation at the hands of gamblers and racketeers whose activities and financial power have influenced and corrupted many public officials.

The situation has continually become worse until it is now absolutely intolerable to the decent people of this community. In recognition of this fact, we, the grand jury of Hillsborough County, acting in accordance with our sworn duty, have indicted seven of the most prominent gamblers of the city, and nine public officials without whose acquiescence or cooperation these flagrant violations of the law could not have continued.

Of the officials indicted, five are removable by you. Sheriff McLeod, Constables Bozeman, Culbreath, and Graves, and County Solicitor Williams.

We urge that you remove these five county officials at once, replacing them with honest and courageous men who are without political entanglements. We

especially urge that a special prosecutor be appointed from outside Hillsborough County who will vigorously and fearlessly prosecute the indictments we have returned. We believe the citizens of Hillsborough County are entitled to this.

We are requesting the clerk to mail you a certified copy of this report.

HILLSBOROUGH COUNTY GRAND JURY,
By CARL T. THONER, *Foreman*,
J. HARTWELL JONES, *Clerk*.

Night letter paid.

Charge to Shackelford, Fariior & Shannon.

Were you responsible for that telegram?

Mr. FARRIOR. Well, I sent it at the direction of the grand jury.

The CHAIRMAN. That is what the grand jury asked you to send?

Mr. FARRIOR. Yes; they directed me to send it. They wrote it and directed me to send it. I sent it and charged it to my account.

The CHAIRMAN. That was this Charlie Wall gang operating at that time?

Mr. FARRIOR. Yes, sir. I have a photostatic copy of that report, as well as a photostatic copy of one here in May, May 14, which—

The CHAIRMAN. Well, the thing I would like to ask about is this, the Charlie Wall gang got pretty much put out of business by about 1940 or shortly thereafter, didn't they?

Mr. FARRIOR. Well, frankly, Senator, not only that, but the situation in Tampa was cleaned up as to elections, crooked elections, which had been notorious even in the 1938 election. We caused an investigation and turned it over for prosecution.

Then we went after the loan sharks, which I followed through to legislation, and finally passed a bill—well, I am not in the legislature, but I finally got the bill passed which put them out of business. That was in 1943.

Later in 1941, about Armistice Day, a constable was removed on the recommendations of the grand jury, and I followed it through the Supreme Court.

Mr. MILLS. You were the legal adviser to that grand jury, were you?

Mr. FARRIOR. Sir?

Mr. MILLS. I say, you were legal adviser to that grand jury?

Mr. FARRIOR. Well, I assisted them at any time they voted to do anything, I assisted them, to the best of my ability.

Mr. MILLS. You were also in a position to suggest to them as to what they might do also? You have done that?

Mr. FARRIOR. I tell them what they can do.

Mr. MILLS. Yes.

Mr. FARRIOR. Then they vote on it, they take a vote before they investigate anything.

The CHAIRMAN. Well, now frankly, just listening here today and I think you ought to comment on this in order to have the whole picture, the inference is that the Charlie Wall gang got pretty well put out of business. You went after them pretty vigorously, and things were pretty well cleaned up in Tampa and Hillsborough County.

Then came the emergence of the Velasco syndicate, or whatever you want to call it, and that syndicate got started and there wasn't as much diligence in dealing with the new syndicate that was started on your part and on the part of the other law enforcement officials, not as much as there had been with the old Wall gang, was there?

Mr. FARRIOR. Well, let me say this. I started to mention several other things which I worked on right up through 1943 and 1944, which

included the appeal to the supreme court on the power of the grand jury to recommend removal of an official without indicting him, which is contrary to the law throughout the country.

In 1942 I received this letter from the attorney general in which he said:

We cannot and will not take any part in the case as counsel, not because of any antipathy or political affiliation, because we have no business in it or responsibility connected therewith.

I certainly did not have any responsibility, but I went to the supreme court, and in 1943 they rendered this decision.

There were several other things along during that period. The situation appeared to be in excellent condition in Tampa, better than it had ever been, that is for sure.

Then things rocked along very smoothly until the fall of 1947, when there was a series of stories by one of the local papers and the grand jury and the committee, the citizens and ministers took up and made a report, and after they made their report the grand jury went into the matter and they filed the report, a photostatic copy of which I have here on March, let's see what the date is, March 8, I believe, 1948, page 457.

The grand jury made a report on the situation and conditions which consist of a number of pages. I would be very happy to leave this with you, but it said:

At the outset State's Attorney J. Rex Farris and the foreman read before the jury a resolution dated October 16, 1947, recommending that the jury investigate thoroughly the truth of the matters appearing therein, certain newspaper articles "stating that organized gambling exists in Tampa."

Now, there is a full and complete report on that.

Mr. RICE. Well, now, we are familiar with the grand-jury report and those are your grand jury's. Let me ask you this: Did there come a time, either around the time of the Velasco killing or the Lumia shooting in 1950, each of which was a gang-type of murder: Governor Warren said that if there was one more killing in Tampa that he was going to remove the sheriff and the State's attorney, did he not?

Mr. FARRIOR. He made such a statement, but I will tell you, that as reported, according to the reports, this is not my duty to investigate gambling—

Mr. RICE. We are talking about killings now, not gambling.

Mr. FARRIOR. I understand. You were talking about the gambling. That statement emanated from some other background which is immaterial to this hearing, but the point is this, that during the past 2 years, based upon reports including the press, even the situation concerning bolita has probably been better than it has been for many, many years.

Mr. RICE. Yes, sir, particularly in 1951.

Now, how about this: When we went down in December we made an effort to serve Salvatore "Red" Italiano, Augustino "Gus" Friscia, several members of Decidue family, I think about three of them, the Trafficante family, and Felipe Piazza, and a number of others. Now, we were not able to serve any of those.

All of them obviously ran out. Now, what business are they in down there in Tampa, Mr. Farris?

Mr. FARRIOR. Well, I can only tell you what I read in the papers about it, sir.

Mr. RICE. That is all you know about those fellows, what you read in the papers?

Mr. FARRIOR. Well, rumor and so forth. So far as me having any knowledge about that, any personal knowledge, I do not have any.

Mr. RICE. It is pretty common knowledge that they are members of the syndicate and with the murders that were being perpetrated, it would seem perfectly obvious that it would be a matter for the grand jury to investigate.

Mr. FARRIOR. Let me refresh your memory on that, Mr. Rice. This may be an answer to your question.

Mr. RICE. We see no point in hanging medals on a State's attorney through grand-jury reports under the control of the State's attorney, when the facts speak for themselves.

The CHAIRMAN. Well, anyway, what were you going to say, Mr. Farrior?

Mr. FARRIOR. I said in 1947 when this series of stories appeared, here is one paragraph, my answer to it. Now, remember the limitations, the grand jury were laymen in the matter of chasing and getting evidence from criminals, and when you go to get that evidence, you will find that it is pretty difficult. But they started with that. We called three persons from amongst the officers and leaders of the junior chamber of commerce, and found that they had no specific evidence or knowledge of gambling.

We then called before us the author of the newspaper articles, Mr. J. A. Murray, of the Tampa Morning Tribune, and he stated that his articles were based upon opinions expressed by various persons and that he did not care to divulge their names.

Mr. Murray stated that he had no direct evidence whatsoever, except as that shown by the public records in cases in the municipal court and the justice of the peace court.

Mr. RICE. We will not argue the merits of the grand jury in that respect.

The CHAIRMAN. Who actually dictated the grand jury report?

Mr. FARRIOR. This grand jury report was written by the jury, a committee of the jury themselves, and they brought it to me.

Mr. MILLS. Who typed it, your office?

Mr. FARRIOR. I am just telling you, I don't know who typed it. The committee brought it to me and the committee sat down, and then I retyped it, or had it retyped, but that is what they had in it. I mean by that, that they individually made this report.

The CHAIRMAN. They told you what they wanted it to contain?

Mr. FARRIOR. First they had a rough draft of it, Senator, and brought it to me. Then it was gone over for any changes that anyone thought should be contained in it.

The CHAIRMAN. Any questions?

Mr. FARRIOR. And I had it typed by my secretary. The final draft was typed by my secretary. The original draft was drawn and typed—well, I would say it was drawn by the grand jury and typed by somebody under their direction.

Mr. MILLS. Yes, sir. We don't seem to find any indication that you or the grand jury, and again we feel that you are the legal adviser and more or less the leader of the grand jury, have made any inquiry into the operations of this so-called syndicate composed of the in-

dividuals that Mr. Rice named, and I can add to those names the names of Rene Nunez and Angel Daniel.

The CHAIRMAN. What was that first one?

Mr. RICE. What was that name, Mr. Mills?

Mr. MILLS. Rene Nunez and Angel Daniel.

Did you ever have any of those fellows up before the grand jury or have any of their bolita peddlers up to try to get evidence against them?

Mr. FARRIOR. I told you, sir, this morning that I thought in 1949, in January, February, March, and April, with an outside State's attorney, and in order to avoid misunderstanding, that group furnished the witnesses to the outside State's attorney, he took it up and the grand jury was called, and I did not even attempt to say, "Call this one," or "Don't call this one," and so forth. They called everybody they wanted to call.

Mr. MILLS. What group was that?

Mr. FARRIOR. You mean the group that was giving them witnesses?

Mr. MILLS. Yes, sir.

Mr. FARRIOR. Joe Rodrigez and the Velasco brothers.

Mr. MILLS. Go ahead.

Mr. FARRIOR. Well, doesn't that answer your question, sir?

Mr. MILLS. Yes; that answers it. Have you ever had any of these fellows, those that were named off, Italiano, Friscia, Diecidue, the Trafficantes, Piazza, or any of them before the grand jury for inquiry on this?

Mr. FARRIOR. I just said that that jury with an outside State's attorney called everybody that the jury wanted to call.

Mr. MILLS. You ordinarily handle it. They have been operating that way since shortly after 1940.

Mr. FARRIOR. No, sir; let me tell you something else, Mr. Mills, which may have a bearing on it. Understand this—

Mr. MILLS. First of all, you have or you have not had them in, have you?

Mr. FARRIOR. Those particular persons you mention, so far as I know, have not been called before the grand jury.

Let me give you this, which is a very material factor: The public does not understand these things, and they very readily misunderstand them frequently because they don't know the situation as to the law and the technicalities and so on, but that is a very, very doubtful procedure and a very dangerous procedure.

When you call a man in and he is given immunity, that is doubtful and dangerous.

Mr. MILLS. Well, if you call in a small bolita peddler, and you give him immunity, that is all right, because you have to throw a few of them in in order to get at the higher-ups.

Mr. FARRIOR. That sounds reasonable, but it did not work. I have tried it. Here is what happens: You get somebody to give you the names of the peddlers, and you call the peddlers up there. You have to explain to them about their immunity and so forth, and the law, and they will maybe tell you the name of what they call a pick-up man. Then you get the pick-up man in, and maybe the pick-up man tells you of another fellow, and you keep doing that until you get up into a certain level, and you have that certain level before the grand

jury, and then he says, "Yes, I bank it. I am the top men. I bank that, they work for me and I bank it."

Well, you give them immunity and then you run into a dead wall. That is what I found. We tried that process.

You have to remember this, that those people whose business it is to violate the law have done so maybe for generations, and they are sometimes ahead of the other fellow on what the law is. That is what you run into, and I did run into it.

Mr. MILLS. I am again talking about the little fellows, and any sort of inquiry around the town would develop as to who the little bolita peddlers are. They are all over town. You can get that information from anybody in Tampa and West Tampa. They will tell you that bolita was wide open down there, up until probably the middle part of this year. Since the middle part of this last year, maybe it is more on a sneak basis now, but it is still going on to a certain extent, as I understand it.

Mr. FARRIOR. A large part of the time during the last 2 years, and I have been going according to the press, it has been done on a sneak basis, but the last time—I have not seen one of them; I have not gone in any place or seen any illegal operation.

Mr. MILLS. But you must have heard the same stories that we did, that it was wide open, and that should have indicated an inquiry.

Mr. FARRIOR. It is not my job to arrest or to go after the bolita peddlers. I mean by that, that is the job of the police and the sheriff and the constable and the prosecution is for the county solicitor.

The CHAIRMAN. Well, now, let's—

Mr. FARRIOR. I just want to say that I could not accept the responsibility.

The CHAIRMAN. Well, it may not be your direct responsibility, but you are the State's attorney. Why don't you go down there and get after those fellows?

Mr. FARRIOR. Did I explain to you this morning—let me finish this statement, that on the first day the present grand jury met, which was last October, I explained to them the jurisdiction of the court and so on, and I made this recommendation and suggestion, that they prepare to make cases of nonfeasance against every official charged with the direct responsibility of enforcing law against gambling in this matter, that they call them in and as the first step in the essential evidence in the case, they should say to them, "Now, we expect you to enforce the law to the limit against everybody—period."

Then ask them no further questions.

Then with the aid of some group, or themselves, they can just go out and find out if anything is going on. That is the second step.

Then in order to make the third step, and to make an air-tight case, which is not too easy to do but it can be done, then either publish it so that it will come to the knowledge of the officers and then if it is not stopped and cleaned up, then you have got an air-tight case for nonfeasance.

I explained that to the jury. You see, they are businessmen, and in that way they can keep the law enforced and keep the responsibility where it belongs.

It happened right at that time, it was the first day of the session of this present jury, and it happened that we had several murder cases and one was very involved and long-winded, and uninteresting

and so forth, and they said, "Well, we will take it up at the next session."

I wrote a letter and said, "Call those witnesses."

At the next meeting or two they said, "Well, let's wait a while. We are going to be here a good while, and let's get our feet on the ground and then we will proceed," or words to that effect. I am not trying to quote them verbatim as to what I said or what they said, but that was the situation.

At that time, that was along later in the fall, along in October or November, it came out in the press that this committee would hold a hearing in Tampa, and naturally they thought they would wait and see what help they could get and what came before them to start with.

The CHAIRMAN. Mr. FARRIOR, of course, we are only a congressional committee, but what I would like to see you people do is to get hot and bothered, like you did in April of 1938, when your grand jury sent that telegram.

Mr. FARRIOR. Well, Senator, let me say this, and I have said this to a number of my friends during the past year or two, that I was not going to take that responsibility. I mean as to this investigating, but that I believed that the responsibility by the grand jury can be kept on them so long as I am in office, which will be this year and next year, and as I stated to my close friends, I have not stated this publicly, but everyone asked me and I have no intention of running for office. In fact, I would be all right today in every way financially and otherwise if I had quit politics some years ago.

Mr. MILLS. You have just got \$500 in the bank, I think you said.

The CHAIRMAN. In other words, politics does not help your bank account?

Mr. FARRIOR. No, sir, because if I put the same amount of thought, energy, and brains in business that I have in politics, I would say even for the last 8 years I would be much better off.

Mr. MILLS. Is that politics as distinguished from the operation of the State's attorney's office?

Mr. FARRIOR. Well, when I say politics, you have to run for office all the time, you cannot run just every 4 years, you have to spend time in-between time.

Now, let me finish the other statement. So long as I am in office, and so long as the grand jury wants to follow that method and keep the responsibility directly where it belongs, they will have my advice and help. I think that is the simplest method. It is so simple, as a matter of fact, that some of the people don't understand it.

But I have made a lot of observations and it seems to me the most effective and sensible way to keep the responsibility where it belongs. If they don't meet it, then you have to cure it quick.

The CHAIRMAN. What is the pay of the State's attorney?

Mr. FARRIOR. Sixty-five hundred dollars, sir, and I might say that I am the lowest paid officer in the county.

The CHAIRMAN. Do you devote half or two-thirds of your time to it?

Mr. FARRIOR. That is hard to say. I never kept track of it. I would say over a period of time, Senator, approximately half the time. Sometimes I might for weeks and months devote my full time to it, and then I might have a lull for a while, so over a period of time it is approximately that much.

The CHAIRMAN. Do you have anything else, Mr. Mills?

Mr. MILLS. No—well, yes.

The CHAIRMAN. Do you, Mr. Rice?

Mr. RICE. Yes.

The CHAIRMAN. Let's get along.

Mr. MILLS. Now, the June 23, 1936, grand jury report expressed this thought, they expressed deep regret that law-enforcement officials and the judge concerned accepted the estreatment or forfeiture of law bonds for gamblers and that these gamblers were not rearrested when they failed to appear in court.

In other words, they went on to comment, I believe, that it virtually amounted to a licensing system for the gamblers.

That was a legal matter and presumably you advised the grand jury on that. That was concerning the matter of the legality of that particular thing.

Mr. FARRIOR. Of course, neither I nor the grand jury has anything to do with the amount of fixing bonds.

Mr. MILLS. That was the sentiment of the grand jury, and presumably yours, then, was it?

Mr. FARRIOR. Let me get the question clear. Is that the substance of that report from the grand jury?

Mr. MILLS. Yes, that is right; that it was bad to have the estreatment or forfeiture of bonds which, in effect, amounted to licensing them.

Mr. FARRIOR. Unless you do one thing, Mr. Mills, unless those arrests are so frequent, see, that it takes the profit out. Now, when you take the profit out they just fold up.

Mr. MILLS. Yes.

Mr. FARRIOR. Now, if it is just an occasional arrest and taking a small bond, that is ineffective.

Mr. MILLS. Now, we notice in the grand jury report of April 1, 1949, which is after the transition period, it appears to us that that is where you stopped making any real effort against these gamblers. I mean, that is the way it looks to us, anyway, and the grand jury report recommended:

That bonds on gamblers be fixed at the highest amount which will attract forfeiture, and not so high that it is profitable for the gamblers to hire an attorney to free them on technicalities, provided also that arrests are made with such frequency to put the gambler out of business by taking the profits out of the operation, and at the same time obtaining the maximum revenue for the cities' and counties' treasuries.

Mr. FARRIOR. Yes, sir.

Mr. MILLS. Now, that appears to be diametrically opposed to an earlier opinion and I assume this is your opinion, too.

Mr. FARRIOR. That was April 1, 1949?

Mr. MILLS. 1949, yes.

Mr. FARRIOR. That was the grand jury recommendation, but remember, that has to be read all together with the report, and interpreted in the light of the entire recommendations, particularly with that part starting with "provided, however."

Mr. MILLS. Well, wouldn't that amount to a license, to which you were opposed previously?

Mr. FARRIOR. No, sir; not if they follow that "provided, however."

Will you read that part again. If they were to do that, that would not license them, that would put them out of business.

The CHAIRMAN. He wants you to read that part that starts with the words "provided, however."

Mr. MILLS. All right. It says here:

Provided also that arrests are made with such frequency to put the gambler out of business by taking the profits out of the operation, and at the same time obtaining the maximum revenue for the cities' and counties' treasuries.

Now, there was a point made there about getting revenues for the cities and counties, which must have indicated that you felt that there was a lot around, if you were going to get revenue from it.

Mr. FARRIOR. Well, if you make arrests frequently enough, and if they forfeit their bonds, then the money does go into the treasury. If you do it frequently enough it will not only go into the treasury, but they will go out of business. You take the profit out of a business and they will close up.

Mr. RICE. How about sending them to jail?

Mr. FARRIOR. Well, that is right effective.

The CHAIRMAN. Do you have any other questions?

Mr. RICE. Yes. If that is effective, why doesn't it seem to be put in practice? This chart shows that for a year here there were 96 arrests, 45 bonds, discharged 43, fined 6, and jailed none.

Mr. FARRIOR. Well, I have nothing to do with that. The officers made those arrests, whatever they were. They usually take out a warrant before the magistrate, and then they are bound over to the county solicitor.

Mr. RICE. Well, then, we fall back into the situation about the grand jury?

Mr. FARRIOR. Yes, sir.

Mr. RICE. Did you know a fellow by the name of Antinori?

Mr. FARRIOR. Yes, sir.

Mr. RICE. What was his first name?

Mr. FARRIOR. You mean the one that was murdered?

Mr. RICE. Yes.

Mr. FARRIOR. His name was Ignatius.

Mr. RICE. Did you ever do any legal work for him?

Mr. FARRIOR. No, sir.

Mr. RICE. Did you ever represent him?

Mr. FARRIOR. No, sir.

Mr. RICE. What was his business?

Mr. FARRIOR. I cannot tell you, sir. As a matter of fact, after he was killed there were a lot of things rumored, rumors about various things.

Mr. RICE. What was your idea about what his business was?

Mr. FARRIOR. Well, I didn't have any idea at that time. He was killed in about October 1940?

Mr. RICE. Yes.

Mr. FARRIOR. Well, I get up at midnight, and if we had had some cooperation between the officers, we would have caught this killer.

Mr. RICE. Now, then, before the date of his death, you knew him before that? You had met with him from time to time, hadn't you?

Mr. FARRIOR. Oh, I had known him slightly, but I was never intimate with him.

Mr. RICE. You knew where he lived.

Mr. FARRIOR. I knew where he lived at one time.

Mr. RICE. It was a big, old brick house?

Mr. FARRIOR. Yes, sir.

Mr. RICE. Did you ever visit in his house?

Mr. FARRIOR. I went there, as I recall, one time.

Mr. RICE. You went there one time?

Mr. FARRIOR. Yes, sir.

Mr. RICE. What business was he in?

Mr. FARRIOR. I don't know.

Mr. RICE. You went to his house and did not know what business he was in?

Mr. FARRIOR. That was during the 1940 campaign. I went there one time, and there was about 40 persons who met there. It was purely a political meeting.

Mr. RICE. Yes.

Mr. FARRIOR. Later I heard things that really surprised me a great deal, and shocked me, if they were true.

Mr. RICE. Did he support you or did you solicit his support?

Mr. FARRIOR. Let me see now, I don't know what he did in 1938. He was killed in 1940.

Mr. RICE. At any time did you solicit his support or did he support you?

Mr. FARRIOR. Do you mean if I ever went to him and asked him to support me?

Mr. RICE. Yes.

Mr. FARRIOR. No, sir.

Mr. RICE. As a matter of fact, he did support you, didn't he?

Mr. FARRIOR. I don't—let me get back to this, he was killed October 1940?

Mr. RICE. Yes.

Mr. FARRIOR. In 1938 I ran. I don't know whether he did or not.

Mr. RICE. Yes. Well, now, as a matter of fact, you had dinner with him at the Tampa Terrace one night after the election, didn't you, with a number of other people?

Mr. FARRIOR. No, sirree.

Mr. RICE. You never sat at the same table with him at the Tampa Terrace?

Mr. FARRIOR. Not that I recall.

Mr. RICE. Was Peter Ramos there?

Mr. FARRIOR. Oh, I will tell you what somebody told you or had reference to. After the 1940 election, which was for governor, I was not running.

Mr. RICE. I see.

Mr. FARRIOR. There was a dinner at the Tampa Terrace, and a man by the name of John Butler invited me, and he had a group of persons there—wait a minute—yes, there was a group of men, and I think we had our dinner at Reuben's, and a group of ladies, the wives of those same men, had their dinner at the Tampa Terrace.

Mr. RICE. So that you may have had dinner with Antinori, then?

Mr. FARRIOR. No, I did not.

Mr. RICE. No?

Mr. FARRIOR. No, he was not there.

Mr. RICE. He was not there?

Mr. FARRIOR. No.

Mr. RICE. Was Ramos there?

Mr. FARRIOR. Ramos might have been there.

Mr. RICE. Now, do you mean to say that you never had dinner with Antinori?

Mr. FARRIOR. I don't think he was there.

Mr. MILLS. But you are not sure, though; you are not positive?

Mr. FARRIOR. I just paid no attention to it. I am pretty sure that he was not there.

Mr. RICE. How about Ramos?

Mr. FARRIOR. I think Ramos was there.

Mr. RICE. What business was he in?

Mr. FARRIOR. Let me tell you about Mr. Ramos. He had been known as a gambler for many years and a political leader in Tampa.

Mr. MILLS. He called himself the Bolita King at one time, did he not?

Mr. FARRIOR. No, sir; you are talking about Charlie Wolf.

Mr. MILLS. No. I am not.

Mr. FARRIOR. Well, Peter Ramos was indicted in 1938 by the grand jury, solely upon the testimony of Charles M. Wall, which was given, he was made to talk, and an indictment was returned against Peter Ramos.

Mr. Wall said that he would never say it, in the criminal court of records—I want to finish this—from that point forward until that man died, this is my honest belief, from that time forward that man did everything he could and would against Charlie Wall's group, because he just went wild because Charlie's name was on that indictment.

From then forward what he tried to do, and this is my best information and belief, what he tried to do was to place himself as a good citizen, and if he was ever in the slightest racket from that time until the time he died, I never heard of it.

Now, I don't say that he was not, but I never heard of it.

Mr. RICE. You don't say he was not?

Mr. FARRIOR. Of course not. I did not see him.

Mr. RICE. Weren't you a pall bearer at his funeral?

Mr. FARRIOR. No, sir.

Mr. RICE. Going back to Antinori—

Mr. FARRIOR. Let me say this, during that time, the 1940 election is what I am talking about, because 1938, after that indictment was turned against him on the testimony of Charlie Wall, the rest of that 1938 election he supported me, and our candidates and friends in 1940, but from then on until his death he never asked anything, in other words, his whole attitude was trying to be a good citizen. He was an old man at that time.

Mr. RICE. How about Antinori? We have not established him in any legitimate occupation, have we?

Mr. FARRIOR. I have not, and I don't know whether he was or not. He had a son-in-law who was running a vending, a coin-operating device or devices that he was selling. I don't know whether he was interested in that or not.

Mr. RICE. Did Antinori support you?

Mr. FARRIOR. I will answer the question the best I can. I don't believe he supported me in 1938. He was dead, of course, in 1942, the next time I ran.

Mr. RICE. Yes.

Mr. FARRIOR. And in 1946 and 1948, that family were very much against me.

Mr. MILLS. How about before that, when Antinori was an active figure there, before the 1938 election, didn't he support you then?

Mr. FARRIOR. Well, the election before that was 1934?

Mr. MILLS. That is right. That was your first one. Did he support you then?

Mr. FARRIOR. Yes; he may have.

Mr. RICE. He was murdered in 1940; some gunman shot him down.

Mr. FARRIOR. Yes, sir.

Mr. RICE. Whatever became of that case? Did anybody ever get arrested for it?

Mr. FARRIOR. Pursuant to my instructions, the officers called me at 2 or 3 o'clock in the morning—

Mr. RICE. My question is, did anybody ever get arrested for it?

Mr. FARRIOR. No, sir, but I would like to answer this, because the public really doesn't know that. That was after the 1940 election, the sheriff was defeated, he was out of town, and there was bad feeling between the deputy sheriff and the detectives.

The CHAIRMAN. Just a moment; come right up forward, Senator Tobey, come right up here with us.

Mr. FARRIOR. I went out to the place; he was killed at a little roadside place; here is a road running here [indicating], and here is a little roadside place, with a road around it. The killer drove a car around and shot him through the back window, got in his car, and went on down.

There was a little crippled bartender, or something, in there, and he had a lot of guts. He jumped out, got in the car, trailed him, and came down here [indicating], and he trailed him so closely that the fellow ran the car into a ditch, he abandoned his car, left his mask and mittens and other things in the car, and he went into the woods, which was approximately a 40-acre strip fenced all around and surrounded by highways.

I spent all night long with Detective Bush on that case. We called up and tried to get bloodhounds. We tried to organize a posse of local men to surround the place.

We traced the car and found where it was bought.

Mr. RICE. Where was that?

Mr. FARRIOR. Where was it bought?

Mr. RICE. Yes. Was it bought outside the State?

Mr. FARRIOR. No, it was bought in Tampa, and paid for in cash. It was bought at—well, I won't say, I might be wrong, but I do know that it was bought in Tampa for sure, and he paid cash.

When he paid cash he gave an address, and we went to that address, and we questioned a man at that address. The person who lived in that house could identify the man.

But he apparently was not a local man, because this man, frankly, knew a lot of people in Tampa.

This stranger had a room there for 2 or 3 days—

Mr. RICE. Was he a trigger man brought in from out of the State?

Mr. FARRIOR. I am telling you, apparently he was not a local man. We were never able to find anybody. If we could have gotten him we had somebody who could identify him.

MR. RICE. Would you call that a Mafia killing?

MR. FARRIOR. I have no idea.

MR. RICE. As to any of these killings, would you consider them Mafia killings?

MR. FARRIOR. I will say this—the only thing I know about the Mafia, or anything, is what I heard about from articles in the paper. I have been State's attorney 18 years, and there has never been any evidence indicating the Mafia. I don't say that they were not brought in by the Mafia, but there was one more killing a year from the time the grand jury reported in 1941 that bolita and gambling rooms were wide open during that period, all of them, and they might have been brought in by them, I don't know. All I know is that the officers never got the first witness most of them to question. We came mighty close to solving the Antinori case.

MR. RICE. In any event, in the Antinori case, nobody was ever arrested?

THE CHAIRMAN. Just a moment, before you finish asking that question, Mr. Rice.

Now you may go ahead, Mr. Rice.

MR. RICE. I think Senator Tobey would be interested in the Lumia killing in June of 1950, and your theory on that.

MR. MILLS. Because you were the prosecutor.

MR. FARRIOR. That is right.

MR. MILLS. And the leader of the grand jury that investigated it, or that would hear witnesses.

MR. FARRIOR. We requested every witness—

THE CHAIRMAN. Well, before we go into that, I am going, and I want to say, Mr. Farrow, that I am glad that you have come up here to make your explanation, and to make a statement about the testimony in which your name was brought out in Tampa, and I think that is not only fair to you, but it is the proper thing for the committee to do, to get testimony on anybody's name that is mentioned, and to have their explanation. We appreciate your coming up here very much.

MR. FARRIOR. I am very much appreciative.

THE CHAIRMAN. I want to say that so far as I am concerned, it looks this way, that both in the Federal Government and the State prosecutor's office, and the local police and the sheriff, and all elements of law-enforcement activities, and of course, the Federal Government has certain jurisdiction, and the State has certain jurisdiction, but I think that we need to get away from this idea of the State's attorney and the grand jury's responsibility, and the sheriff's responsibility and the constable's responsibility, and see if we cannot get an all-out organized effort to do something in the interest of better law enforcement.

Frankly, I get the impression that here in recent years you have been thinking about this jurisdictional line of demarcation too much. Now, this just does not look good for any community, and I think you will agree that here in the city and county, on the enforcement of gambling laws, from January 1 to September 1 you had 96 arrests. They forfeited bonds on 45, I guess that means they never got to trial, 43 were discharged, that is 88 out of the 96, and then you have fined 6, there were 2 cases pending, and none were jailed.

So regardless of the controversy about this testimony, and regardless of this matter as to whose responsibility it is to do certain things, and whose it is to do other things, the evidence shows that back in the thirties, as to one group, why, you really took them on.

So I think the time has come when we all, with whatever abilities we have, and in whatever limited way the Federal Government without strengthening the laws, can assist, working together, we have to make an all-out drive. This thing has gotten to be a terrific menace.

We have had, during the existence of this committee, as you very well know, many reports, some official, and some nonofficial, from good people, and from organizations, and from Hillsborough County, and from Tampa, that things were not right down there, that there wasn't what Senator Tobey would say, righteous indignation and a demand for something to be done.

Senator TOBEY. In other words, what we would like to see is a positive functioning of the law, rather than a passive one.

The CHAIRMAN. That is right. I am not very good at lecturing. I will leave the lecturing to one who is eloquent and forceful, and who has done a tremendous job in impressing people; however we have not been impressed with what has been done.

We are glad to note that there is a renewed effort, and I hope that this will amount to something, not only during the time of the heat, but that it will be carried on in the months and years to come.

Mr. FARRIOR. May I say this, Senator, about some of these laws? Very frankly, I have made some recommendations about publicity and confusion between the State's attorney's office and the county solicitor's office. I think those things should be cleared up by law. They probably should be merged.

I really feel that the man who had the duty to prosecute the case should also have some duty to investigate it, for two reasons:

You can get better results in many ways, and it will avoid a lot of this so-called saying, "That is your job and not mine," and it will also do away with a lot of misunderstanding that goes along with it.

The CHAIRMAN. Well, I am glad to hear you say that, because it is high time that some of these jurisdictional disputes by which criminals profit are eliminated.

It is not our jurisdiction to make recommendations for State laws; we confine ourselves to Federal matters, but we have run into the various things in various parts of the country all over the United States, where the district attorney says that he has no staff, and it is not his responsibility, and the sheriff says that it is the district attorney's responsibility to initiate the proceedings, and the result is that you just don't get anywhere.

So I wish you well in that effort.

Senator Tobey, will you carry on in my absence, please?

Senator TOBEY. Certainly.

Mr. FARRIOR. I have been chairman of the State bar association for some 10 years, and I want to tell you, without a lot of help from the public, you cannot get those laws passed. This is the best time to do it.

I have got recommendations, pages and pages of them. In fact, I had one of these made out in writing to leave with the committee, and I did have them when you were in Tampa.

Senator TOBEY. This picture was taken from Life magazine. Are you familiar with this document that the chairman was speaking about?

Mr. FARRIOR. We just went over that.

Senator TOBEY. Now that was in your jurisdiction?

Mr. FARRIOR. No, sir.

Senator TOBEY. What county was that in?

Mr. FARRIOR. Excuse me. Yes; it is in my county.

Senator TOBEY. Then wasn't it in your jurisdiction?

Mr. FARRIOR. Well, I have no power or jurisdiction or duty or authority to either arrest or prosecute for gambling.

Senator TOBEY. Why not?

Mr. FARRIOR. Because in our county and our circuit we have a criminal court of record, and the prosecuting officer is the county solicitor.

Mr. RICE. Here is what we have developed, Senator Tobey, and this may straighten it out.

Mr. FARRIOR, here, as State's attorney, has jurisdiction over capital offenses, such as rape, murder, and other crimes punishable by the death penalty.

Notwithstanding, he also has a grand jury under his more or less control and dominion.

Mr. FARRIOR. I beg your pardon. They are not under my control. I know you did not mean to state it that way.

Senator TOBEY. Well, he presents the case to the grand jury, but only as to murders and capital crimes?

Mr. RICE. No; the grand-jury scope is very wide in its latitude. It can consider nearly any situation which may be prevalent down there, and the grand jury down through the years has in its reports commented on such things as gambling and related crimes, which would make it perfectly evident that the grand jury with which Mr. FARRIOR is closely associated does inquire into the matters about which we are inquiring into.

Senator TOBEY. Were those arrests made as a result of grand-jury investigations?

Mr. RICE. No; they were not. The point is, if there is any breakdown in law enforcement, the grand jury under Mr. FARRIOR is in a position to consider the whys and wherefores, and they have made recommendations from time to time.

For instance, just a little while back, it was pointed out that a grand jury back in the 1930's commented on the estreatment down there, or forfeiture of bond on gambling cases, rather than sending a man to jail, the policy in the last 10 years changed about that, and it appears that it is tantamount to a licensing fee for gamblers, rather than a more drastic action that might result in jailing and conceivably wiping out the gambling picture.

Senator TOBEY. Gambling is illegal in Hillsborough County, is it not?

Mr. FARRIOR. Yes; all except horse racing, sir, and dog racing.

Senator TOBEY. But they have parimutuels?

Mr. FARRIOR. That is right.

Senator TOBEY. If you were commissioned tonight by some super power to clean up and put an end to crime down in Hillsborough

County, and you had some power to put it in efficiently, what would you do?

Mr. FARRIOR. I told these gentlemen earlier what I told the present grand jury last October, and it is my belief that the grand jury are laymen, and they are businessmen. We have a selective service in our grand jury system, and they are high-class businessmen, but they are businessmen, and they want to do a good job, but they cannot sit month in and month out very well.

My recommendation which I made to the present grand jury last October was that they keep the responsibility for the gambling cases where it belongs, and that is with the police, all the police, the sheriff's office, and the constables in the area, and handle it in such a way—which can be done—that they make the steps of essential elements of a nonfeasance case, and if they don't perform that responsibility, indict them for nonfeasance and get them removed.

That is the simplest and most effective method; provided, of course, that the Governor would stand behind the recommendation, you see.

Now, I will say this, the Governor sent out a statement last year, along in July, I think it was, that if gambling did not cease he would remove certain officials.

With the Governor having made that statement, and having stood behind it, this is the simplest system that you could have, with the Governor standing behind it, and it is effective and we are getting results.

As I stated awhile ago, there are a few laws that I think would help law enforcement a great deal.

One of them, I think, relates to our two offices, through which—

Senator TOBEY. Has there been crookedness and collusion between the law-enforcing men and the police department that had a job to do and did not do it, or what is it?

Mr. FARRIOR. I cannot answer that, so far as I have any knowledge.

Senator TOBEY. Well, you could find out, couldn't you, by putting men on and shadowing them, and go into it very thoroughly, and show them up?

Mr. FARRIOR. As I stated, I have no investigators, and I have no funds with which to hire them.

Senator TOBEY. The grand jury has no funds to investigate?

Mr. FARRIOR. No, sir.

Senator TOBEY. Then your hands are tied to begin with?

Mr. FARRIOR. I will say this, they are greatly restricted.

Senator TOBEY. Do you tell that to people when they elect you?

Mr. FARRIOR. Well, when they did—as a matter of fact, I did not introduce this, but I took to the legislature, I would say 12 or 15 years ago, a bill to create a fund, and it did not pass.

Senator, let me show you, without a lot of press help, and without a lot of public help, you cannot pass laws to tighten the criminal laws in any State.

I say it is difficult, because a layman does not understand them.

Now, one of the things, under the law we cannot have a court reporter before the grand jury. That was an amendment to the act by a senator, who was a defense lawyer.

Senator TOBEY. He made his money that way?

Mr. FARRIOR. That was one way. I took to the legislature I guess three or four times, or more than that, certain bills, and I drew bills

to get that law changed. It passed the house one time, and it passed the senate another time, but it never could pass both.

On one occasion it passed the senate and got in the house, and I want to show you how a resourceful man, who is a defense lawyer, can get up, and he rose to the defense of the grand jury system, and he said, "Gentlemen, this would violate the secrecy that has gone on from time immemorial," and the vote was 55 to 11 to kill the bill.

Now, legislation, if it is reasonable and fair, can be passed with the help of the press and the public, but it cannot without it. There needs to be some legislation. Not that it should be overdone. You don't cure things by putting laws on the statute book alone.

I have been chairman of the State law association for 10 years, and I have been on the committee for 16 years, and I have been to every session of the legislature trying to get those bills passed.

I mentioned several of them this morning.

Senator TOBEY. Well, let me ask you this question. Does the Governor come out and recommend them? Is the Governor any good as a hater of crime and gambling, or no good?

Mr. FARRIOR. Frankly, Senator, he put out this order last year, and he stood by it and, as I say, he has removed five, six, or seven officials, and there has been far less gambling.

Senator TOBEY. What is his name?

Mr. FARRIOR. Gov. Fuller Warren. There has been far less gambling in Florida certainly in the last year or so, than perhaps in many, many years.

There has been a decided improvement in conditions, and as I say—

Senator TOBEY. How do you and Gov. Fuller Warren get along?

Mr. FARRIOR. Well, he owes me no obligation. I took no part in that race. I had a red-hot race.

Senator TOBEY. Did he threaten to remove you in 1949?

Mr. FARRIOR. He made a general statement which read in substance that if there was another shooting or killing, or attempted shooting, or something like that, that he would remove the county solicitor, the sheriff, and the State's attorney.

Senator TOBEY. Well, was that because you had so many killings and nobody was brought to justice, or what was it?

Mr. FARRIOR. Primarily, Senator, from reports I got around the legislature, there were one or two persons that got that statement issued by the Governor, on an impulse of his to do what was right—

Senator TOBEY. Do you mean that he only wanted to do what was right once in a while?

Mr. FARRIOR. No, sir; under his motive to do what was right, and the group that did it did not have that motive. The group, in my opinion, that was in back of it was extremely—the legislature was extremely busy with the legislative program, and the man who went into the Governor's office at that time has been my particular enemy for a long time, and still is.

Senator TOBEY. Is this a fair statement, within the limitations of the power you had, if you had to meet your Maker tonight, could you testify that you have done everything in your power to enforce the law and bring the guilty to judgment, and that you prosecuted your cases without fear?

Mr. FARRIOR. Definitely. In all my jurisdiction, 100 percent.

Senator TOBEY. Then you have got a pretty clear conscience, haven't you?

Mr. FARRIOR. Well, I am glad that I do have; yes.

Senator TOBEY. When was the last shooting down there?

Mr. FARRIOR. That was—well, you say shooting; you mean the last killing? I guess perhaps you have reference to—

Senator TOBEY. Well, they always shoot to kill, don't they?

Mr. FARRIOR. They are apparently pretty good shots, too, those that do that shooting.

Senator TOBEY. There was a shooting last June?

Mr. FARRIOR. Yes; June 5.

Senator TOBEY. Did the Governor make good yet in his suggestion to remove all officers if any more shootings occurred, or do you have the sword of Damocles hanging over your head?

Mr. FARRIOR. That is a hard question to answer.

Senator TOBEY. No; I would say that is an easy one to answer.

Mr. FARRIOR. I guess the latter one is right; but I think after the Governor reflected, with the political warfare and little things that go on, when you make a statement like that, you might invite a shooting, rather than stop it, because there would be plenty of them that would be glad to promote one in order to get rid of some of their political enemies in office.

I think when the Governor reflected on that, that his statement was not meant that way; that he intended simply that he wanted the law enforced.

We have gone over that particular shooting, Senator. I have answered all the questions asked me about it to the best of my ability.

Mr. RICE. When are you due to run again?

Mr. FARRIOR. Next year.

Mr. RICE. Did I hear you say that you will not run again?

Mr. FARRIOR. It is definitely my intention, and has been for 3 years, not to run again, because, as I stated a while ago, if I had devoted the same energy and the same thought and the same time to my law-practice business in the past—well, I don't have to go back 18 years, but I could just say in the last 7 or 8 years—I would be able to retire and take care of my children, because I have always had plenty of law business.

Senator TOBEY. What is this sickening record here, this chart from Life magazine of 19 murders, or attempted murders, and no arrests in almost every case, and 1 conviction out of 15 cases? Now, who is to blame for that?

Mr. FARRIOR. Senator, I have never seen that. May I take a glance at it?

Senator TOBEY. Certainly [handing photostat to witness].

Mr. RICE. For the record, that is not from Life magazine. That was a chart made up from the staff records at Tampa, and I believe Life magazine made a copy of it.

Mr. MILLS. It was introduced into the record in Tampa.

Senator TOBEY. Well, that is certainly a demoralizing and discouraging picture, when the most sacred thing there is is a man's life; and here are 15 snuffed out without 1 conviction, 3 attempts and no convictions, and you prosecute these. These are capital cases; you are supposed to prosecute these?

Mr. FARRIOR. Yes, sir.

Senator TOBEY. How would you mark yourself as a prosecutor, zero?

Mr. FARRIOR. No, sir.

Senator TOBEY. What good are you, when you get a case like that and nothing happens? Would you be very proud of yourself and your work to have a picture like that shown to this committee?

Mr. FARRIOR. What is the difference from the set-up in most offices like district attorney and those who prosecute murders; I have no investigator, I have one assistant, and we have followed a policy which I have explained.

Senator TOBEY. Well, wouldn't the police help you, upon request?

Mr. FARRIOR. We have questioned, with an official court reporter, every witness the police have ever produced or suggested, and I have a file complete on every instance where they have reported it to our office.

Senator TOBEY. Are the police responsible to the Governor?

Mr. FARRIOR., No, sir.

Senator TOBEY. Who are they responsible to?

Mr. FARRIOR. Only to the chief of police and the mayor.

Senator TOBEY. Well, if you went to the mayor and the chief of police, and said, "I need your help to solve these murders," would they give that help to you?

Mr. FARRIOR. Well, let me just be specific here. The first two cases mentioned here I don't know anything about.

Senator TOBEY. But they are dead anyway, aren't they?

Mr. FARRIOR. That was before I come into office. As to the third one mentioned here, I prosecuted it and convicted him. It occurred before I came in office.

Senator TOBEY. Go ahead, sir.

Mr. FARRIOR. Well, the next four on this list here, the police or sheriff's office under the system there, whichever one gets the report first and answers it, follows the investigation through, and the others are supposed to cooperate. It is their responsibility to make an investigation.

Now, the services of my office are available day and night, and we give it whenever they call us, and we request that they call us every time there might be a capital case.

Senator TOBEY. These were all under your jurisdiction?

Mr. FARRIOR. Yes, sir; but you have to have defendant witnesses before you can prosecute them.

Senator TOBEY. That is right.

Mr. FARRIOR. And as I said, every witness that has ever been suggested or produced by the police or the sheriff or the arresting officers has been questioned and a court reporter's transcript is in my file.

Senator TOBEY. How about the sheriff's office? Do they cooperate with you?

Mr. FARRIOR. Well, let's get down here, there have been two murders and I am going to answer your question specifically, there have been two murders which are allegedly connected with the underworld or gambling or anything of that type since about October 1940, if we can get that, October 24, 1940.

This man was definitely a suicide. I have complete files on that. I think that he just figured that——

Senator TOBEY. He was a policeman, wasn't he?

Mr. FARRIOR. Yes, sir.

Senator TOBEY. And he committed suicide because he felt that nobody backed him up after he had done his job?

Mr. FARRIOR. No, sir; that is not what the record shows. He had a lot of personal problems, I don't like to talk about a man after he is dead, and he had a lot of bad troubles, like some men get into. There was an automobile out on the police pistol range and he was in that automobile with a shotgun between his legs, his shoes were off, and there was a half pint of whisky on the side, and the top of his car was filled with brains.

Senator TOBEY. You are sure there were some brains there?

Mr. FARRIOR. Well, it came out of his head, sir. That is what the doctor said.

Senator TOBEY. Is he typical of other police in Hillsborough County?

Mr. FARRIOR. I think we have some very good officers there.

Senator TOBEY. Well, all I can say is that we sit here, and it almost seems a waste of time. We see this stuff and listen to this drivel about this and that. Why, heavens, whether it is Tampa, Hillsborough County, the State of Florida, or any political unit in this country, why can't they clean the hellholes up? They can clean all those hellholes up if they wanted to do it, if the men in office are any good and have "guts." But so long as there is a conspiracy and lassitude, the people lose hope.

We had a young fellow in Youngstown, Ohio, who was chief of police there, and he cleaned up Youngstown and did a marvelous job.

We have the head of the police in Los Angeles who is doing the same thing, and we found there a conflict between the sheriff and the chief of police. These jurisdictional fights that Senator Kefauver spoke about.

In the meantime, it just makes for a travesty upon decency and upon society's laws.

Very frankly, I would resign if I could not have a better record than that, and then I would make my complaint and tell the people about it, and what my jurisdiction was. I would say just what the situation was and I would say, "Nobody seems interested. You people had better wake up before it is too late." And then I would let them have the job.

What fun is it being on the job when you have a record like that staring you in the face?

Mr. FARRIOR. Well, so far as where any witnesses are produced, my record of convictions is high.

Senator TOBEY. Well, you said there is no evidence produced—

Mr. FARRIOR. I cannot make evidence.

Senator TOBEY. I understand that.

Mr. FARRIOR. That responsibility is the responsibility of the arresting officers.

Senator TOBEY. Did you ever get a conviction of a killing on your own investigation and upon your own evidence?

Mr. FARRIOR. Let me say this, that the reason why my rate of convictions is high is because of the system that I have followed, which is not my duty, and that is that I request the police and the constable's and the sheriff's office to call my assistant or me, whichever one can get there first, the minute any crime is reported which might be a capital case.

We go to whichever it is, the jail or city hall, whichever has jurisdiction, and we question every witness that is brought in, with an official court reporter, and the transcripts are preserved.

By that method of cooperating with those investigating officers that is why my record on convictions is high.

Senator TOBEY. Is your record high on racket killings?

Mr. FARRIOR. What do you mean?

Senator TOBEY. Racketeers, this type of vermin here.

Mr. FARRIOR. Well, I just took those and went down over them.

Senator TOBEY. How good is your record on those cases? How many did you get convicted there? What does it say in the record, nothing, nothing, nothing, nothing, nothing, nothing, nothing, one.

Mr. FARRIOR. Well, those zeros are the failure of, or the inability of the arresting and investigating officers to produce any witnesses. I am sorry.

Senator TOBEY. You were just telling them how high your record was. I should think that it had reached a new low.

Mr. FARRIOR. My record on any case where witnesses have been produced, which would leave any clue, is high.

Senator TOBEY. Well, if some of the other agencies would produce this evidence you would go through the pro forma motion of getting a conviction. You yourself have never convicted a killer on the evidence produced by you?

Mr. FARRIOR. I have no duty to produce the evidence, sir.

Let me explain again that most of my convictions of killers have been tied down by the result of our getting the testimony of the witnesses immediately after the killing, whether it was a night, Sunday, or whenever it was, before their friends or counsel or other people got to them, and before the elements of fear or friendship or other things began to work.

While they are fresh you can get the truth out of them and those cases, the conviction in those cases, was due to the cooperation of my office with, as I have described, the arresting and investigating officers.

Senator TOBEY. I am sorry, but I am not impressed, only unfavorably. The whole thing smells to the high heavens. I should be ashamed to come before a committee and talk about my high record for prosecuting killers. You hide behind the fact that it isn't your fault, when any man with righteousness in his soul and a hatred of these things in his heart can go out and clean up almost any bailiwick.

There is a pretty serious situation in this country. This picture which we have is reproduced all over the country, and it is so deeply seated that it is a national tragedy and a national disgrace.

I have no other questions. Do you have any more?

By the way, what are you going to say to this man when he goes home, "Go and sin no more?"

Mr. MILLS. I have no further questions.

Mr. RICE. I have no further questions.

Senator TOBEY. All right, sir, that is all.

Mr. FARRIOR. Thank you, sir. I will say again that I appreciate the opportunity to come before you.

(Whereupon, at 3:10 p. m., the committee adjourned, to reconvene on Friday, February 23, 1951, in St. Louis, Mo., at 9:30 a. m.)

APPENDIX

EXHIBIT No. 1

STATEMENT OF GEORGE PATTON, FORMER DEPUTY SHERIFF, MIAMI, FLA., GIVEN
AT WASHINGTON, D. C., NOVEMBER 11, 1950

I, George Patton, herewith give the following statement to Ralph W. Mills, a representative of the United States Senate Committee to Investigate Organized Crime in Interstate Commerce. I am giving this statement of my own free will and in the hope that it will be helpful in bringing about better law enforcement in Dade County and elsewhere.

I was born in Pittsburgh, Pa., on May 10, 1919. My original name was George Petemezas, but about a year ago I changed my last name to Patton. For the most part I lived in Pittsburgh from my birth until I volunteered for service in the United States Army at Pittsburgh on March 17, 1941.

My armed service began at Fort Bragg, N. C. From there I was transferred to the Twenty-eighth Division at Indiantown Gap, Pa. The Twenty-eighth Division was then transferred to Camp Livingston, La. About August or September 1942, I was transferred to the Machine Records Section of the Adjutant General's Office at Fort Worth, Tex. Around April 1943, I was transferred to the One Hundred Twenty-second Infantry Battalion at Camp Carson, Colo., and about September 1943 I volunteered for service with OSS (the Office of Strategic Services), since it appeared that my Greek background and knowledge of that language would be of benefit to that organization. I remained with OSS until my honorable discharge from the armed services on or about August 17, 1945. I saw service with OSS in commando warfare principally in Yugoslavia. I also was assigned by the OSS to security work. I received my discharge at Fort George G. Meade in Maryland.

After my discharge I went to live with my mother, who had remarried and was living in Baltimore. There I worked for Montgomery Ward for several months and then went to work for the H. & H. Export Co. of Baltimore, and was sent to Washington to open an office for the purpose of arranging for the export of goods to Greece.

The office was closed in Washington in the early summer of 1946. Around June of 1946 I went to Miami to work, because my mother and stepfather had moved there.

My first job there was a bartender at Pete's bar near city hall on Washington Avenue, Miami Beach, Fla. After about 2 months I went to work as a patrolman for the Miami Beach Police Department. I went on the payroll about November 1946 for the police department.

Some time after joining this police department, I learned for the first time that law enforcement didn't always operate the way I thought it did. I found that on my beat it was a regular practice for the hotels and bars to pay regular weekly amounts to the night squad-car officers to overlook staying open after hours, selling liquor after hours, etc. The squad-car officers then would give a portion of their weekly receipts for this purpose to the night officer on the beat. I believe that the squad-car boys on my beat were getting at least \$300 to \$400 a week. Of this amount, the two officers of this squad car were giving me varying amounts up to a maximum of about \$50 a week as my share. One of these two squad-car officers was Harold Wolfsey. The other officer's name I do not recall. Wolfsey, I should say, is the same individual who was later convicted in Federal court for transportation of a stolen car across a State line and also convicted in a Miami court for armed robbery. Wolfsey served the Federal sentence in Atlanta and has recently died while on bail pending appeal or so it is said, prior to serving the sentence for robbery.

My receipts from the two men in the squad car did not last very long for the reason that I was transferred from my first beat which covered from Twenty-

seventh Street and Collins Avenue North to Forty-fourth Street and over to Indian Creek Drive. My second and last beat was on Collins Avenue from Sixty-ninth Street to Seventy-fifth Street on Miami Beach.

While on this second beat at one time "the heat" was on, and such large and well-known gambling establishments as Sunny Isles Casino, the Island Club, and others in Miami Beach or nearby were closed. During this period I discovered that a floating crap game was operating on my beat. I reported this to my superior, Acting Lt. Joseph Brennan. He told me to "smarten up, take what I was given and forget it." This game was on the second floor over an Italian restaurant about a hundred feet off Collins Avenue on Seventy-fourth Street when I discovered and reported it. The Jewish boys who were running the game and whose names I do not now remember gave me \$50 to overlook their operation which did not last but about a week. The morning after they moved the game, Brennan and I raided the place and confiscated all the gambling equipment which had not yet been moved. This was one large crap table.

I recall also that when I was attending rookie school at Miami Beach Police Department that I discovered that the McArthur Hotel on Fifth Street, Miami, Beach, contained prostitutes, bums of various sorts and marijuana addicts. I discovered this because, while I was a bartender, I had met in the bar a frequent customer named Irene Cavennaugh who spent large sums of money, and I was curious as to how she happened to have so much money. While a rookie, I looked up her record and found she had a long list of arrests for prostitution and narcotics, too, if I remember correctly. Thereafter, she invited me to visit her at the McArthur Hotel where she lived. I did and very shortly after my arrival she produced a supply of marijuana cigarettes and offered me one.

I reported this incident to my rookie instructor, Sgt. "Subber" Owens. Nothing happened. No raid was made and no one was arrested on the report I made to Owens. I later learned that Owens was supposed to have some sort of connection at this hotel and knew what had been going on even before I told him. Some of the other boys on the force indicated to me that Owens was afraid of me after my report to him on what I knew about this hotel.

On another occasion while I was on my first beat, the Park Avenue Restaurant was robbed. I obtained the name of a good suspect and his address. I reported this to Superintendent of Detectives Carpenter and asked permission to work on the case in plain clothes for a few days. He refused to let me do this but asked for the name and address of the suspect. I gave the name of this suspect, Louis Cohen, to Carpenter. I later learned that the detectives had picked up Cohen and later escorted him to the railroad station so he could leave town. This was around Christmas 1946.

I learned that it was said to be an established practice among the beach detectives to pick up persons wanted in other cities or for failure to register their criminal records at the Miami Beach Police Department and to "shake down" these persons for as much as they could. The "shake-downs" sometimes amounted to thousands of dollars, and it was said after the "shake-down" or payoff the detectives would then assist their victims to leave town. This was done with the victims never being brought in for booking at the police station.

While I was still on the Miami Beach police force, a friend of mine and former sports promoter, Pete Caravasios, who was also a close friend of Dade County Sheriff Jimmy Sullivan, tried to talk me into seeking a deputy's job in the sheriff's office. He took me to meet Jimmy Sullivan in his office. Later, through Jim Hawkins, who was at that time Sullivan's chief criminal deputy, I was offered a deputy's job. I turned it down but later accepted the offer when my temporary appointment to the police force was canceled in an economy move by Miami Beach.

I had to wait about a month and a half after being cut off by the Miami Beach Police Department before going to work for the sheriff. This was in order for the sheriff's reelection to be assured.

During this wait I worked for Burdines Department Store in Miami.

I reported for duty at the sheriff's office around June 1948. My first assignment was that of night jailer from 12 midnight to 8 a. m. This assignment lasted about 6 months and entailed making a transcript record of bookings of prisoners brought in during the day, posting on the ledger, dispatching cars, handling complaints, etc. At the end of this period, I was assigned to a day shift, doing about the same thing. My first outside assignment came while serving on the day shift. The sheriff's office was seeking to make a raid on Dave Marcus' horse book in the Aviation Building at Northwest Twenty-seventh Avenue, Miami. I was assigned to this job with Deputies Tom Ford and Carl Hollaway because I was not known. The raid was successful and Marcus was convicted.

Not too long after this raid on Marcus, as I recall it, Sheriff Jimmy Sullivan called me to his office. I remember that this date was March 4, 1949. When I entered the sheriff's office, I found Jimmy Sullivan and W. O. "Bing" Crosby talking. The sheriff introduced me to Crosby and said he was a special investigator for Gov. Fuller Warren. Sullivan told me that he wanted me to go out with Crosby and close every gambling establishment that I knew of and bring in for booking anyone found operating.

Crosby indicated he didn't want to go anywhere but the beach—Miami Beach—although there were plenty of horse books and gambling operations which we could have raided in the city of Miami, other Dade County cities, and in the county itself.

From March 4, 1949, to March 11, 1949, I worked from time to time with Crosby in raiding horse books in various locations on Miami Beach. We raided books at several hotels and one or so other locations. Crosby had a hand-written list of places which he wanted us to try to raid, and I don't believe I suggested over one place to raid. Among the places that we raided which I recall were 150 Washington Avenue, the Monroe Towers Hotel, and the Henry Hotel. The raid at 150 Washington Avenue is the one Deputy Tom Burke testified on before the Senate committee. As a matter of interest it should be said that in this Washington Avenue raid I found that Annette Raskin was one of the employees working there. I later learned that this was one of the S. & G. places. Annette Raskin is the wife of Jack Raskin, who was then and still is on the Miami Beach Police force. Some arrests were made and booked. I don't believe Crosby's name appeared on any of the sheriff's records or in the county solicitor's records as having participated in any of the raids or arrests.

During the course of working with Crosby he indicated dissatisfaction with the help he had gotten from Deputy Sheriffs Tom Burke and Brannon and from Chief Criminal Deputy Jim Hawkins. At the time I was helping Crosby, I thought the raids were being made with the sincere purpose of stopping gambling, and I worked hard to do a good job. Crosby never said anything to me to indicate he might have other motives in mind for making the raids.

When Crosby was ready to leave town, he told me that he was very pleased with my help and that he was mentioning my name favorably in his reports to the Governor. He said that I wouldn't regret helping him, and that if he, Crosby, could help me in any way to call him. He said he kept in pretty close touch with the Governor. After Crosby left I was immediately returned to inside work in the sheriff's office and ran the switchboard, etc.

I was hopeful that what I had thought was my good work in helping Crosby on the raids would cause Sheriff Sullivan or other of my superiors in the office to promote me to regular outside work. I was disappointed when I was put on inside work, and so telephoned Crosby several times to see if he could use his influence to help me. Some months later, Crosby came to Miami and I saw him for a few minutes. At that time and also during the phone calls Crosby said, "Don't worry about it. Just stick to it. For all you know there may be some changes made."

Crosby before leaving Miami had indicated that the removal of Chief Criminal Deputy Jim Hawkins and Deputy Tom Burke was desired. In one of my phone conversations with Crosby, he asked me to send him a written report on "what was going on." And I did at a later date. He was interested particularly in whether Sheriff Sullivan was doing anything about getting rid of Hawkins and Burke.

In connection with Crosby, I should add that some time after Crosby left, Deputy Tom Burke asked me if I knew that Deputy Bill Thompson who had been with Crosby and me in the raid on the Henry Hotel had succeeded in having that case nolle prossed by the county solicitor's office. He said, "Boy, you better get your cut out of it." I asked Thompson about it and he admitted that he had been paid off to kill the case. He didn't say who paid him but promised me a cut on the pay-off and later gave me \$50 or \$75 as my part.

Burke had told on Thompson because he was angry with Thompson who had recently raided Tom Hodges' horse book on Northwest North River Drive. Hodges and Burke are brothers-in-law.

My next chance to do outside work for the sheriff's office was on Labor Day in September 1949. I was assigned to work with other deputies in a raid on gambling at the Latin American Club at 128 Northeast First Avenue in the city of Miami. We arrested Mac Gill. Shortly after this raid, I was transferred to the criminal division to do outside work under Claude High who by then was serving as chief criminal deputy.

I should say at this point that the way became clear for me to be appointed to the criminal division investigations because of the resignation of Deputy Tom Burke and because Sheriff Sullivan took Jim Hawkins' power over gambling away from him by making Claude High the chief criminal deputy. I was told that the reason given by Sullivan for this shift was that Hawkins and Burke had made some kind of a deal with someone, whose name I don't know, after which Dade County was flooded with punchboards. The payoff to them was supposed to have been split with the other deputies but wasn't, and they complained. That may be the reason, but I couldn't forget what W. O. Crosby had said about wanting Hawkins and Burke out.

Several bookmakers later told me that they used to pay off Hawkins and that they were glad to be rid of him because he squeezed them hard.

About a month after my transfer to the criminal division, I received a telephone call from Leo Levinson, who is associated with Jack Friedlander, and related by marriage. Leo said, "Someone important" wanted to meet me. I met Leo that night and he took me to the vicinity of a drug store on Southwest S Street near First or Second Avenue in Miami, where he introduced me to Jack Friedlander, who was waiting in a car.

Friedlander told me that he had heard of me from other sources and was going to do everything he could to get me on the gambling squad in the sheriff's office. I told Friedlander that I didn't want to sell the sheriff down the river or see him hurt in any way. Friedlander said, "Don't worry about it, as no one is going to hurt the sheriff."

Soon after meeting Friedlander, I was called by Ben Cohen, attorney for the S & G Gambling Syndicate on Miami Beach. At Cohen's request, I went to his office. This was on a Saturday afternoon. Cohen told me that he had been observing me and thought I was a pretty smart boy. He said that attempts were going to be made to get me placed on the sheriff's gambling squad and that he wanted me to become in the sheriff's office what Pat Perdue was to them in the Miami Beach Police Department.

Cohen then said he wanted me to meet the "headman," and then made a phone call. In about a minute or so after the call, Harry Russell came in. I didn't know Russell and had never seen him before. Ben Cohen introduced me to Harry Russell and then went to his outer office. Russell and I then had a private conversation in Attorney Ben Cohen's private office.

Russell remarked that I had helped a friend of his to accomplish something and therefore he, Russell, felt that I was a capable man. I feel sure he meant Crosby, although he didn't say so. He, too, said he was going to try to have me put on the gambling squad. He instructed me to be careful in my actions and to "be as smart as Pat Perdue is." He said, "Not one gambler gives Pat anything because we take good care of him." Pat Perdue is an officer of the Miami Beach Police Department. Russell told me that whatever I had taken up to then in graft from gamblers was all right, but said that from now on, "We don't want you to take anything from anybody—only when we give it to you."

When I was leaving Cohen's office after the talk with Harry Russell, Ben Cohen said to me that if I listened to them, meaning Russell and him, that I'd "be a very smart boy and have a lot to gain."

Up to the meeting with Russell and Ben Cohen, actually I had received very little in the way of graft payments. Some of the other deputies had given me small "cuts" on an occasion or two.

Several weeks after meeting with Russell and Ben Cohen, I was telephoned at my home on a Sunday morning by Leo Levinson, who said that a meeting was being held immediately at the beach and that they wanted me to be present. I met Levinson and went with him to Harry Russell's house at 4415 Post Avenue, Miami Beach. Present at the meeting were Harry Russell, Jack Friedlander, George Bowers, and me. It was made clear at this meeting that there was a dispute among the gamblers as to whom they wanted put in charge of the sheriff's gambling squad, and it was also clear that these men expected whoever was in charge of the gambling squad to take orders from them. These men indicated that another faction of gamblers were holding out for Deputy Ernest Sistrunk but they wanted me to be on the gambling squad. I later learned from Sistrunk that the gamblers who wanted him to head the squad were Charlie Thomas, Merrill Yarborough, and Eddie Padgett. They wanted Sistrunk teamed with Deputy Percy Brannon, a brother-in-law of Sheriff Sullivan.

At this meeting at Russell's house, Russell, Friedlander, and Bowers again said to me about the same thing which Russell and Ben Cohen had told me previously in Ben Cohen's office. This was that I should "keep clean" and not

take any graft from anyone or do anything that would compromise me. They said they were still maneuvering to get me on the gambling squad and that if I followed instructions they would make up to me whatever I lost in pay-offs in the meantime.

They then discussed who should work with me on the gambling squad and asked for suggestions from me. I didn't have any preferences and said so. At this point, Bowers spoke up that no matter what happened or who was appointed "you are the man we want to deal with."

I don't know exactly why Bowers attended this meeting, but from what he said it seemed that he represented Tallahassee or Jacksonville interests. He made several references to these places but mentioned no names. He also remarked that setting up the fix in Dade County was pretty easy. He said he had had to take care of a couple of hundred people. He didn't say where he had done this.

Shortly after this meeting, Sistrunk and Brannon were appointed to be the deputy sheriffs in charge of gambling. This appointment was made by the sheriff. I should add that at this particular time there had been no deputies assigned especially to gambling.

Sistrunk and Brannon had not been the two-man gambling squad very long before orders were given them to raid some gambling place, the name of which I don't know but which is located in northwest Miami. The place appeared to have been tipped off in advance of the raid and the raid was therefore a failure.

Jimmy Sullivan was very much upset about the failure of this raid and the fact that Sistrunk or Brannon must have tipped off the place. He called a meeting of all the deputies in the criminal division at which time he made reference to "certain deputies" making their own deals with the gamblers. He called on the deputies to be honest. At the end of the meeting, he called Robert McLeroy and me aside and appointed us at that time as the new gambling squad to work under Chief Criminal Deputy Claude High.

Later Jack Friedlander, in talking with me about the failure of Sistrunk and Brannon to make a successful raid, told me that this had made him very angry. Friedlander said "When I want a raid made, I want it done!" Friedlander said that definitely either Sistrunk or Brannon had telephoned the place and tipped it off prior to the raid.

Very shortly after Sheriff Sullivan appointed McLeroy and me to handle gambling, I was called either by Friedlander or someone calling for him and told to meet Friedlander that night at the parking lot at the rear of the Island Club, a gambling casino then operating up the beach from Miami Beach. When I arrived, I found Friedlander and Harry Russell together waiting for me. This meeting was very close to Christmas in 1949.

Both Russell and Friedlander said they were happy over my appointment and indicated indirectly that they had been responsible for my getting the appointment. One or the other said, "It took a little time and a little work but we finally accomplished it." McLeroy was not with me at this meeting or any subsequent ones. Both Russell and Friedlander had doubts about whether McLeroy could be trusted or controlled and speculated on how they could bring about a switch that would replace McLeroy with someone of their own choosing. I told them I felt that I could control McLeroy.

Although Brannon had been removed from the gambling squad, he continued to collect the payoff money from Russell and Friedlander for the deputies up to about the last of January 1950. He would bring this money in cash and would distribute it on the nineteenth floor of the sheriff's department to Deputies Ernest Sistrunk, Baron Shields, Robert McLeroy, and me and was, of course, taking his share. The payoffs ranged from \$75 to \$100 each week. All of us, of course, know where this money was coming from and why.

Some of the deputies began complaining that Brannon did not seem to be making any headway in collections from these gamblers, Russell and Friedlander. They felt we were not being paid in proportion to what we were expected to do for the gamblers, such as staying away from their places and closing up others. Brannon, himself, was not too happy in his role of collector or "bag man," and agreed that I should begin making the collections from Russell and Friedlander. I then became the collector and functioned in this role from about the last of January to the latter part of March or the first of April 1950.

Usually I would meet Friedlander and sometimes Friedlander and Russell together about once a week at night in the parking lot behind the Island Club. Sometimes Friedlander would call in advance and say to meet him around Forty-first Street and Alton Road on Miami Beach which is not far from his

home. At each of these meetings, I would be given sums up to \$800 in cash to be distributed among the deputies in the criminal division of Sheriff Sullivan's office. This money was being paid for protection of certain Miami Beach and other beachside gambling activities and was specifically on behalf of the S. & G. Syndicate, the Sunny Isles Casino, and bolita.

The only gambling not on the beach included in the payoff was bolita. It was my understanding from Friedlander that the money was being paid in the following proportions: When I was receiving \$800 a week, \$300 was from S. & G., \$300 was from Sunny Isle Casino, and \$200 was from bolita. The Island Club, in which Friedlander had an interest, was not contributing anything to the payoff although it was clearly understood that the Island Club was one of the places we shouldn't bother. Friedlander argued with me that since he'd gone to all the trouble to organize a smoothly working centralized payoff and was himself doing the collecting from the gamblers and the paying to me, that he should not have to pay anything on behalf of his Island Club.

It was clearly understood between Russell, Friedlander, and myself that the payoff was to insure that the sheriff's office would not molest the gambling operations of the Sunny Isles Casino, the Island Club, the S. & G. Syndicate, and bolita. They agreed that for the sake of appearances and statistics that occasionally these several operations would have to be subjected to a "token raid" but insisted that in all instances of such a raid, they must be tipped off in advance. I agreed for the deputies that we would do that.

Every time I collected from Friedlander and Russell, I would split the money, always given to me in cash, between Deputy Sheriff's Baron Shields, Robert McElroy, Percy Brannon, Ernest Sistrunk, and J. P. Kersey. Deputy Dave Hughes was not included in this payoff arrangement as he was functioning under another arrangement with Jack Friedlander. Friedlander gave Hughes the down payment on his car and \$100 a month. Friedlander paid Hughes directly and when he was out of town, Max Eder, also known as Max Roman and other names and who is a partner or possibly a subordinate of Jack Friedlander, would make the payments to Hughes. Once during last season, this payoff to Hughes was left with Bobby Feinstein who runs Mammy's Restaurant on Miami Beach. I should add that the Card Club which has gambling was located in the same building as Mammy's. That was one of the places that Friedlander frequented quite a bit and he insisted that we never molest it.

I would bring the cash paid to me by Russell and Friedlander to the nineteenth floor of the sheriff's office and would pay the deputies whom I have named their equal share by meeting them one at a time in the washroom, locking the door and handing them their share.

The payoffs from Russell and Friedlander as handled by us all worked rather smoothly except for the amounts I was promised from bolita. Sometimes it appeared that Friedlander could not make contact with George Weigand, former chief of police for South Miami, who was collecting the bolita payoff money from the operators. On a few such occasions, I met Weigand myself for direct payment for protection of the bolita operations. Also, the payments from bolita varied quite a bit. At the outset, I was promised by Friedlander that the deputies would receive altogether from bolita \$600 to \$800 a month, but never actually got that much but about once.

One time when Friedlander had been unable to contact Weigand, I contacted him in a back room at the Te Pee Club, a gambling casino which has operated openly in the city of West Miami, at which time Weigand gave me \$400. We always had trouble getting this money and the deputies were complaining. At one time, Deputy Brannon said he thought we ought to close all the bolita operators down because of this. So Deputy J. P. Kersey and I went straight to Weigand and saw him in his trailer in South Miami. Weigand, who is really an employee of Eddie Padgett, said he couldn't pay the \$2,500 we demanded of him as the amount he was in arrears. He explained his inability to pay by telling us, "Well, I can't help it if certain people want swimming pools." I knew that Chief Criminal Deputy Claude High had just had a swimming pool installed at his house, but I asked Weigand what he meant and he answered, "You work for somebody don't you? You take orders from somebody. I can't help it if he demands a swimming pool." Therefore, Weigand gave us nothing.

Friedlander would at times tell me to pass along instructions to the other deputies not to raid or otherwise molest certain places. Other than the places I have already mentioned, I recall at one time that he wanted us to stay completely away from Surfside, a community just north of Miami Beach.

Regarding staying away from Surfside, Duke Nolan, who was in control of the Surfside gambling apparently, told me that between August and September he had paid over to Jack Friedlander approximately \$2,500, which Friedlander told him he had to pay to the sheriff's deputies, including me. We never received any of this money. Friedlander denied to me that Nolan was telling the truth but I believe he was. Nolan also told me that he controlled Chief of Police Hackett of Surfside.

Another place Friedlander didn't want bothered was his place on Northwest Twenty-seventh Avenue in Miami at about Twenty-eighth Street where the Uneeda Vending Co. was operated on the ground floor and on the second floor were many telephones, etc., which were used by Friedlander and his associates. We followed his instructions and never bothered these places, although we knew illegal gambling operations were being carried on in them.

I did not know all of the places in which Friedlander had an interest. Occasionally we would raid a place and Friedlander would immediately contact me and demand to know why the raid had been made. I would tell him the truth that we had been instructed by Chief Criminal Deputy Claude High to make the raid. Friedlander would then be very angry and say High "was being taken care of" and that he couldn't understand why he directed the raid to be made.

Many times various of the deputies, including me, would seize money from various gamblers or bolita employees, when we raided or arrested, but we would not at time report in this money, or all of it, as seized. This was particularly easy to do when bolita runners were picked up as they would have several envelopes in their possession with varying sums of money in them, which they had just picked up, and most likely the runner would not know how much was in the envelopes. So out of any \$300 in an envelope it was easy to extract half or more of it. Whatever we got this way we would split among the deputies I have named before. Also Claude High would get his share and I have at times given High a part of such seized moneys myself, and he, of course, knew where the others and I had gotten it.

In the spring of this year one of Claude High's sons was getting married and High asked me if I might be able to get the boy and his bride an apartment on the beach for about a week through some of my contacts. I saw Jack Friedlander and he told me to go ahead and get the boy an apartment and he, Friedlander, would see that the bills were paid. I had also mentioned this same need to Mr. McLendon, who is one of the owners of the Dade Tire Co. in Miami and also involved in horse race booking and bolita operations. (More will be said about McLendon's operations later.) McLendon had called the Sea View Hotel in Bal Harbour, just north of Miami Beach, and made arrangements for High's boy to stay there with all expenses paid. High's boy used this apartment. McLendon was a partner in a horsebooking cabana at this hotel and so I doubt that he paid anything to the hotel for this favor to High. High knew who McLendon was and about McLendon's illegal activities and I told High that McLendon had furnished the apartment for his boy.

High also asked me to get some whisky for this wedding. Again, I saw McLendon and he sent me to Smith Brothers Bar, Package Store & Restaurant, located on Thirty-sixth Street somewhere between North Miami Avenue and Northeast Second Avenue, where McLendon had arranged for me to get a case of assorted liquor. McLendon used to have a horse book in the hotel in which the Smith Bros. were located.

I also got a case of liquor from Marty Richmond, a long-time bookie and gambler, who has operated openly in the city of Miami for years. He used to have quite a gambling operation in the old Greentree Hotel in Miami on which he held the lease. He now has under lease the Pan American Hotel in Miami and is arranging for a gambling room there also. The Greentree was torn down and a garage with stores on the ground floor is being built. Marty Richmond holds the lease for this new structure.

I put the two cases of liquor in High's car and told him who had contributed it. He, of course, knows Marty Richmond and is fully aware of Richmond's business.

Sometime after January 1, 1950, the swanky Golden Shores Club, a gambling casino, located on Highway A1A in Dade County just south of the Broward County line, opened up. Arthur (Artie) Clark, formerly of the Brooks Club, a gambling place in Surfside, and Rudy Levitt, brother of Jules and Leo Levitt, were two of the operators of the Golden Shores Club. I don't know who the other principals were, but Jack Friedlander seemed to have some interest in the Golden Shores also. For some reason almost from its opening the Golden

Shores Club seemed to have difficulty running, and was operating more or less on a sneak basis with no one admitted except on advance reservation.

This club hadn't been open very long before Jack Friedlander called me one night and said he wanted me to meet someone who could probably do me some good. So I went with Friedlander and met Rudy Levitt in front of the Golden Shores Club. At this time Rudy gave me around \$200.

Not long after I met Rudy Levitt for the first time through Friedlander, Deputy Baron Shields got a search warrant for the Golden Shores Club. It was arranged that Deputy Rogers, the night jailer who was not known on the outside, would go to the club in advance with his wife. He was to observe from the inside and call back if he could. Deputies Baron Shields, Milton Klien, Percy Brannon, Dave Hughes, myself, and some of the road-patrol men were to make the raid.

After the arrangements were made, I called Rudy Levitt to warn him about the raid. He told me that someone, he didn't say who, had already called him on the matter. He had a full description of Rogers and said they would let Rogers and his wife in, but pointed out that if he had not had the advance information Rogers would never have been admitted.

Naturally, when we of the raiding party got to the Golden Shores Club, we found nothing going on.

Shortly after that Friedlander called me to come over and we again met with Rudy Levitt. Rudy Levitt said that he wanted to operate just one night rather late and wanted my assurance that everything would be O. K. I told him I'd do my best and he gave me \$500. Actually, I did nothing for the club on that occasion but ride around in the vicinity that night and telephoned the club once or twice to inquire if everything was all right.

A week or two later, Friedlander called me over again and took me to the home of Arthur (Artie) Clark, who lived just off the Venetian Causeway. Clark told me that some "special clientele" for the Golden Shores Club was coming down from the north to visit in Hollywood or Fort Lauderdale and that the club wanted to run one night for this purpose. Friedlander and Clark had several conferences with me after this before a Friday night in March 1950 (when I knew Deputies Brannon and Shields would be on duty) was fixed as the night to operate for the very special guests. I never did know who these guests were. Clark gave me \$3,000 and I gave \$1,000 each to Brannon and Shields and explained to them that Clark and Friedlander absolutely did not want the club molested for this operation. Brannon and Shields handled the matter from that point; and I had no more to do with it, although I know the operation was not bothered.

Later Friedlander told me that prior to any of the event I have described concerning the Golden Shores Club that a big well-known gambler named Ryan had steered Harry S. or Harry F. Sinclair, the wealthy oil man, to the Golden Shores Club and that Sinclair lost \$800,000 in two nights. Sinclair settled the debt for \$500,000. Apparently Friedlander, when he was telling me this had just learned that Artie Clark, in dividing up the winnings, had short-changed some of the people in interest at the club. One of those who got the short end was Friedlander, and Friedlander was very angry with Clark for this double cross. He said he would never let Clark run in Dade County again.

During the past winter season, we deputies in the sheriff's office discovered that Sam Clark, proprietor of the 5 O'Clock Club on Miami Beach, was operating a very big horse book and also big card and skin game over this club. The deputies were getting restless because this club and Sam Clark were not paying off. About that time, I happened to be in the vicinity of the 5 O'Clock Club and ran into Private Detective Ed Bishop talking with Sam Clark on the sidewalk in front of the club. Clark told me how glad he was to meet me and took me aside and handed me \$50. No further arrangements were made at that time. The other deputies were still complaining and so I saw Jack Friedlander and asked him to see what he could do. Friedlander saw Clark and made arrangements for me to pick up \$200 or \$250 a week from Clark for this one operation. After that I met Clark once in front of his house and he gave me \$250 to be divided with the other deputies. This is the only time I got anything from Clark. I mentioned this to Friedlander and he said Clark was broke and couldn't pay. He asked me to lay off Clark anyway and let him operate as a favor to him, Friedlander. This was done and Clark continued to run.

During the spring of 1950, I discovered that a big handbook was being operated in the rear of the same building as the Famous Door on Twenty-third Street, Miami Beach. The entrance to this place was behind a juice stand which concealed a door leading to the room. I managed to get in and found Harris

Levinson and Jules Beeman running this establishment. There were a lot of other people in the room when I entered but nothing was going on, which probably means they saw me on the way in.

Beeman and Levinson were very friendly and went with me for coffee at a nearby place. While having the coffee, Harris Levinson slipped me \$75.

Later, when passing this place I told one of the men on the sidewalk in front to go in and tell Beeman or Levinson that I wanted to talk with one of them at the same place we'd had coffee before. Beeman came running in, and as Beeman is an excitable little rat, I told him merely in fun, as it was not so, that I had warrants for him and Harris Levinson's arrest on indictments. He said, "I'd better go get Harris," and reappeared shortly with Levinson. Levinson gave me another \$100 at that time.

Some time after this in about May 1950, Jules Beeman and Harris Levinson were setting up or already had set up a booking room in the Blue Horizon Hotel in Surfside, Fla. They were afraid the deputies would discover and raid the place and so contacted Jack Friedlander. At Friedlander's request, I met with him, Beeman, and Levinson at which time it was agreed that they would give me \$50 to \$75 per week and a like amount for Deputy McLeroy not to bother the Blue Horizon operation. The first payment was handed me then by Levinson.

The next time I called on Harris Levinson to collect for protection of the Blue Horizon book, Levinson said he didn't have anything for me. He remarked, "I can't pay you and the other source too." He went on to explain that the "other source" was Friedlander's man Sam Castellano, who was collecting every week. I then discussed this with Friedlander, and he admitted receiving such collection and that he needed the money to pay "the expenses" of other people, although he didn't say who these other people were. He asked me as a favor to him to lay off this place also even though the deputies were not being paid to do so.

After McLeroy and I were appointed to the gambling squad, Raymond Craig sent word to me two or three times that he wanted to meet me and places to meet were set, but somehow we never made contact until one day in April or May 1950, when Deputy Dave ("Red") Hughes arranged such a meeting. Hughes, then the night jailer, told me that he was broke and was going to try to borrow some money from Raymond Craig, whom all of us in the sheriff's office regarded as a power in gambling and underworld circles in the city of Miami and Dade County, except for Miami Beach. Hughes asked me to go with him, and after a telephone call, we met Craig at the White Seal Bar, across the street from Craig's "Southern Appliance Co.," which he operates as a sort of blind for his gambling operations. When shaking hands with Craig he said, "I guess we should have met a long time before now." Hughes told Craig he was broke and Craig handed him \$200. At the same time Craig also handed me \$200. I protested that I had done nothing for him and did not want the money. He insisted and said that I had more or less earned it anyway. So I accepted the \$200 from Craig. At this meeting with Craig, we discussed his case concerning his Turf Club Bar and Casino which had been enjoined by actions of the Crime Commission of Greater Miami. Craig seemed positive that his political connections (he didn't say who they were) in Tallahassee would result in the State supreme court's reversing the circuit court decision, enjoining the operation.

None of the deputies ever seriously considered raiding the Turf Club and we were never told to do so. We all knew it was operating, but we were afraid to go there because we knew it was Craig's. From the very beginning of my work in the sheriff's office, I was indoctrinated with the idea that we should lay off of any of Craig's operations as he was a powerful man, politically, well-connected, and very close to the sheriff, whether the sheriff liked it or not. We were all given to understand that to fool with Craig might get us in trouble.

One time, however, some time before the Turf Club was enjoined by the action of the crime commission, "the heat" was very much on and Chief Criminal Deputy High told us to visit all the spots, including the Turf Club, to see that they were closed. I was in the group visiting the Turf Club, and we found it was not operating at that time.

In the spring of 1950, before the season was over, Claude High asked McLeroy and me to check around the Kenilworth Hotel and the Sea View Hotel, both in Bal Harbour, just north of Miami Beach. He wanted us to check for one-ball machines and slot machines. Instead we stumbled upon a big horse book in full operation in one of the cabanas at the Sea View Hotel. We confiscated run-down

sheets and other evidence, including \$1,561. in cash. We noted that the confiscated evidence reflected that bets up to \$1,000 each had been made and that between \$50,000 and \$100,000 was involved for that 1 day's operation. We arrested three or four men, the names of whom I don't recall now. There was also a woman working in the cabana, but she became so hysterical at the prospect of being arrested that we didn't take her in. I did know, but do not now recall her name.

We brought these men in and booked them and told Claude High the details of the raid and about the evidence confiscated, including the \$1,561. One of the men wanted to call Attorney Ben Cohen, and so we let him call before bringing him in. Ben Cohen asked to talk to me at that time and Cohen asked me to let the men go. I refused and Cohen said, "Well, you know whose place that was, don't you?" And I said I didn't, but didn't care. He said, "Well, for your information, that's Harry Russell's place."

In the next day or so after the Sea View raid, a man named "Homer," whom I know to be an employee of Raymond Craig, called upon Claude High at the sheriff's office. I saw High go to the safe and remove some papers from it and he then closed and locked the door to his office. Only High and Homer were in the office. I can't prove it, but I feel positive that Homer came up to copy the information from the run-down sheets and other evidence confiscated at the Sea View in order to settle the bets. My suspicion was pretty well confirmed when later Mr. McLendon, whom I've mentioned before, saw me. He told me that the hysterical woman, whom we did not arrest at the Sea View Cabana, was an employee of his. He said that she was placed there by him to accept lay-off bets from the bookies operating the cabana, and that had we arrested her we would have found \$27,000 in cash on her person. McLendon had previously indicated to me that he was associated with Raymond Craig, inferring that he took instructions from Craig but I believe that McLendon, although he may work with Craig, is an independent.

Ben Cohen burned up the wires, denouncing the raid and demanding that either I drop the case or at least return the money confiscated.

Finally, with permission of Claude High, I personally returned to Ben Cohen in his law office the \$1,561 which McLeroy and I had seized as legal evidence in the Sea View Hotel. Cohen handed me back \$400 and took \$100 for himself, saying "You may as well give me \$100 of this, as I'm not making anything on this deal. I'm just acting as a go-between." I gave McLeroy \$200 of the \$400 which Attorney Ben Cohen gave me as a bribe to return the money.

It is my recollection that the men we arrested in the Sea View raid were convicted of bookmaking, but of course, the evidence presented did not include the \$1,561 seized.

Sometime during the season in 1950, Road Patrolman Mullis and I raided the horse book at the Versailles Hotel on Miami Beach. This was at a time when the "heat" was on and 10 or 11 other raids were also made at the time of the Versailles raid. Mullis and I seized the usual evidence, consisting of run-down sheets, scratch sheets, etc., and also around \$1,000 in cash. We arrested two men, the names of whom I do not recall, but since this was an S. & G. book they were S. & G. employees.

The men arrested were brought in and booked and the evidence disclosed to Chief Criminal Deputy Claude High. Jack Friedlander complained to me about this raid on behalf of Harry Russell and the S. & G. They wanted the money back and I received word from Harry Russell to bring this money over to them at Charlie's Inn, which is operated by Charles and Sam Friedman. Charles Friedman is one of the S. & G. partners. With the knowledge of Claude High I took the money seized in the Versailles raid to Charlie's Inn on Twenty-third Street, Miami Beach, where I found Charles Friedman and Harry Russell. I handed the money to Russell and was allowed to keep \$200. I gave \$100 of this to Mullis who made the raid with me.

In connection with the Versailles raid and the 10 or 11 others staged at the same time, I should say that all were thrown out of court on the defense that the search warrants were illegal. The fault claimed was that although the judge had signed the warrants, his title as judge of the eleventh circuit court was not inserted following his name.

In January 1950 Deputy McLeroy and I, on the suggestion of Claude High, obtained a search warrant and raided Charlie Robertson's horse book at 2900 Northwest Fifty-fourth Street. High told us there might be some kind of a trap and that we didn't have to go. Robertson had formerly been a Raymond Craig man but was on the outs with Craig and operating independently. We

found "Doc" Bradley as the "lookout" on the street and had to break in the door to gain admittance. Upon entering we found Charlie Robertson operating the book and a small group of players. Charlie was seated among the players when we entered. Among those in the place was Joe Mouleneaux who is also known by another name I don't recall. I later remembered that one time previously when I had visited former Chief Criminal Deputy Jim Hawkins when he was ill that I had found this man Mouleneaux, who has a brother who works for Raymond Craig, there visiting him also.

We seized the run-down sheets, etc., and \$223 in cash. Finally the warrant, upon "Doc" Bradley's insistence, was served on him instead of Robertson. We then arrested Bradley and Frank Hueit, the board man. On the way in Bradley and Hueit asked permission to make a copy of the run-down sheets so that all bets could be settled. As inducement, they said they were sure that Charlie Robertson wouldn't mind McLeroy and me keeping the \$223 we had seized. So we let Frank copy the run-down sheets. We booked the two men and stored the money taken with the rest of the evidence we had seized. We had already made an entry on the search warrant inventory page reflecting that we had taken the \$223. A copy of this inventory had been given to the defendants. Later, however, McLeroy and I decided that since Bradley and Hueit had said we could keep the \$223 that we should do it. We then altered our return on the warrant inventory to reflect that no money was seized and took the money.

Later Robertson filed a complaint against McLeroy and me in Justice of Peace Nason's court charging us with taking the money. It was said that Robertson was pushed into making the complaint by Deputy Jim Hawkins and this Mouleneaux. I do not know that this was so, but I do know that Hawkins had ambitions to regain his power over gambling in the sheriff's office, and it is possible that he would have done so with me out of the way.

Jack Friedlander, Raymond Craig, Red Rainwater, and Luther Malone all became alarmed at this suit by Robertson, fearing that it would blow the lid off the corrupt fix under which they were all operating. Each of them later told me that they had put pressure on Robertson to drop the suit if he expected to continue bookmaking in Dade County. I was told that Attorney Al Hubbard, who sometimes represents Raymond Craig, had advised Robertson the same way while with Robertson and others in the Bahamas Club.

Robertson did drop the complaint.

Earlier this year, McLeroy and I succeeded in getting into a large booking and gambling operation run by Luther Malone in a well-guarded room to the rear of Malone's poolroom next to the Tamiami Hotel on West Flagler Street in downtown Miami. This was a well-known operation in the city of Miami. We found about a hundred people in the place, observed the large horse sheets on the walls, saw a large teller's cage with windows for three cashiers, and a number of people gambling on cards. We arrested Luther Malone's brother and several others.

As we were leaving, Luther Malone emerged from the poolroom and said he wanted to talk with me, but I refused to deal with him.

About the next time that I went to the parking lot at the Island Club for my regular meeting with Jack Friedlander. Friedlander told me that Luther Malone had approached him to arrange for these raids to cease. Malone, by agreement with Friedlander, was waiting inside the Island Club when I arrived. Friedlander sent for him. Luther Malone, at that time, promised me \$100 a week, to be divided among McLeroy and myself, to lay off his gambling room in the rear of the poolroom. Malone gave me the first payment of \$100 at that time. Later Malone told me he was empowered to deal for "Foote" Stallings, whom McLeroy and I had been raiding for booking. He gave me a list which was supposed to be all of Stallings' locations and promised me \$150 a week on behalf of Stallings to lay off these places. Malone also made the first payment for Stallings at this time. This arrangement with Malone lasted only a month or so before the "heat" was on and the town was virtually closed to gambling.

Before my dealing with Luther Malone stopped, I raided a second floor large booking establishment located on Southeast First Street, immediately across the street from the rear of Burdines. This was likewise a well-known bookie operation which had operated for a long time. I had no search warrant for this raid and broke the door down to get in. I arrested several people in the place including Dan Byrd, a retired fireman, and Clark Wood, a private detective who recently was candidate for election as constable in the second Dade County district. I had found Clark Wood in the rest room and was fairly sure that he had been

flushing evidence down the drain while I was breaking the door down. I took Byrd, Wood, and the others in, along with the money and other evidence which was seized. Wood complained bitterly that it was an illegal raid since I had no search warrant. Chief Criminal Deputy High decided that I had made illegal arrests and allowed the prisoners to go without booking them. After the raid, all the money and other evidence was returned and out of gratitude, Luther Malone gave me \$100 or \$150. He said that the place was his, which was my first information to that effect.

Before the season was over in 1950, McLeroy and a Miami Police Department detective, whom I believe we called "Brownie," raided the Sphinx at about Northwest Fifth Street and Third Avenue in downtown Miami. This was another gambling joint run by Marty Richmond. We found a horse book going at the time and confiscated the usual evidence along with some money. We placed under arrest one or two men and chased a good many customers out on the street.

While I was counting the money seized and recording on the warrant inventory the evidence seized one of the customers who had been chased out had drifted back in, went to the toilet, and then came over to me and screamed that I had taken \$2,400 of his money. He said he had hastily dropped the roll in the water tank of the toilet when we began the raid. He said it was missing. I didn't know anything about the matter, and denied any knowledge of it, and chased the man off again.

Thereafter, I privately confronted McLeroy and the detective with us, who had searched parts of the premises of the Sphinx, including the toilet. The detective revealed that he had found the \$2,400 in the water tank and had put it in his pocket. Later McLeroy met this detective at an agreed place in Miami and the detective gave McLeroy \$1,600, \$800 of which McLeroy brought to me.

In March 1950 I raided a horse book in the bar of the Coronado Hotel in Surfside, Fla. Actually, I probably did not find enough evidence at this time to substantiate a case in court, since the courts seem to be very technical in gambling cases, but Joe Gilmartin, the bartender, yelled for the manager of the hotel, Mr. Collins, and told him I had gone through the cash register. This angered me, as it was not true, so I put Joe under arrest, and on the way in Joe handed me a \$100 bill to drop the case. I then charged him with bribery.

Shortly after this raid at the Coronado, where a horse book was definitely operating, Sheriff Jimmy Sullivan called for me to come to his office. When I entered Sullivan's office, I found that he had been in a private conference with Abe Allenberg to whom Sullivan introduced me. Allenberg then said that he had an interest in the Coronado Hotel, and that he didn't want the reputation of the hotel hurt. He said that Mr. Collins, the manager, was a nice man; and that the whole affair was an unfortunate mistake, since Joe, the bartender, had gotten excited.

Jimmy Sullivan then said to Abe Allenberg, "Of course, you realize I am not telling my men what to do;" and then turned to me and said, "Pat, anything you can do to help him I know will be greatly appreciated."

It was then clear to me that Sullivan wanted me to drop the case. So I filed a "no information" with the county solicitor. Then I went by the Coronado Hotel, as I understood the manager, Mr. Collins, wanted to see me. Not finding him at the hotel, I went to see him at his home. I told him the case was dropped, and that I still had the \$100 bill which Joe had given me. He said, "That's all right, keep it, and here's another to go with it." He then gave me another \$100.

Sometime after this event, Deputy Sheriff Ernest Sistrunk told me that the real operator of the horse book at the Coronado Hotel wanted to meet me. I then met Gordon Brown through Sistrunk's arrangement. Brown was also happy that nothing had come of the Coronado case, and gave me \$50 or \$75. He said he's been "taking care" of Sistrunk. Later Brown sent for me again through Sistrunk and I met with Brown in the repairman's room at the Coronado Hotel. At this time Brown said he wanted to make an arrangement for his book at the Coronado not to be bothered. He agreed to give me \$150 a month for this purpose, half of which was for McLeroy. This agreement lasted for three or four payments.

Gordon Brown, in explaining that he couldn't pay much, said that he had to "take care" of the Surfside Police Department also.

Around Christmas of 1949, Mr. McLendon, whom I have mentioned before, gave me a case of V. O. whisky. A month or so later I met him at his bookie headquarters up on Biscayne Boulevard around One Hundred and Twenty-first Street. At this time he told me where he had his various horse books, and

gave me \$200 at that time. As best I can recall now, his books were at the following places: In a partitioned section of a beer parlor on Northwest Thirty-sixth Street where entrance is gained by going through the beer parlor into an alley, and then back into the partitioned section of the building; the Buckeye Bar on North Miami Avenue at about Tenth or Eleventh Street, where entrance is similar to the first place mentioned; a place on Northeast First Avenue; and a place later used as his office, or headquarters, in the old police precinct station in the colored section. These places are all in the city of Miami, and are in addition to the other operations of McLendon which I mentioned previously.

One day around March or April 1950, I told McLendon I was going to buy a television set. He wanted to know what kind I wanted and said he'd get it for me. I waited some time and he hadn't gotten it. When I asked him about it, he then told me to go ahead and buy one and he'd repay me. I bought the set at the music store across from the Biscayne Building. McLendon repaid me the cost of around \$395.

Around the end of 1949, I raided the apartment of George and Bill Kearns around One Hundred and Twenty-eighth Street and Bayshore Drive. These boys had been booking in a trailer camp west of Biscayne Boulevard at around One Hundred and Twenty-first Street, but had moved to a sneak operation in their apartment because the heat was on. I arrested one of the Kearns boys and brought him in and convicted him. After the raid, Deputy Percy Brannon, the sheriff's brother-in-law, came to me and said the Kearns boys were nice fellows, that they had cooperated with the sheriff's office when the "heat" was on, and that they had also contributed to Jimmy Sullivan's last campaign for reelection to the sheriff's office.

Brannon explained that these boys wanted to continue operating, and that if I would just give the word to him, Brannon, when they should close that they would cooperate. He said that the set-up would be that he, Brannon, would collect the payoff from them and give me a share for myself and McLeroy. Thereafter, Brannon made several payments to me of around \$50 a month each for McLeroy and myself. Later, I learned that Brannon had been collecting from the Kearns boys for himself and Deputy Baron Shields a long time before I ever made the raid on them.

Sometime around Christmas 1949 I made an unsuccessful attempt to raid the A. B. C. Club at Northwest Fifty-fourth and Twenty-second Avenue in the city of Miami. This place was operated by "Chris" Seibert. Seibert, whom I met on the raid, told me he was working for Raymond Craig. He gave me \$50 at that time. Later Deputy Carl Halloway came to me and said he wanted to see this A. B. C. Club, which had cards and other gambling games, run so he could make a little money. One night I went by the A. B. C. Club and saw Halloway driving away. I stopped in and found the A. B. C. Club running, although it was supposed to be closed because the "heat" was again on. I bawled out Seibert and told him to close, and he complained that he'd been taking care of Halloway by paying him a \$100 per month for the privilege of operating. Halloway didn't like it but said nothing. Not too long ago, Simms, Howard, and I caught this same club running and raided it. The case is still pending.

The Dade County grand jury, which ended its term in the late winter or early spring of 1950, hired a private detective named Sanford as investigator. This was done upon the recommendation of Alfred Petrucci, a Miami Beach policeman, who was also a member of the grand jury. A man named Hyman, who was a bookie and barman with a place at Seventy-first Street and Collins Avenue, Miami Beach, which section was part of Petrucci's beat, approached Petrucci when he learned that Petrucci was on the grand jury. Hyman said that he had been in contact with Ben Cohen and that he was sure that he, Petrucci, and Investigator Sanford could make some money out of the S. & G. Syndicate, while on the grand jury. Following this Hyman and Sanford went to Attorney Ben Cohen's office. Ben Cohen there made the deal with Sanford promising him about \$5,000 if Sanford in the reports which he would submit to the grand jury would show negative information on gambling. Also Sanford was to keep Cohen advised, as best he could, of what was presented to the grand jury. It was also arranged at that time that Sanford in his gambling investigation, especially of night spots and casinos like Sunny Isles, the Island Club, the Turf Club, etc., was to wear a white carnation so that he would be recognized. Sanford agreed and Ben Cohen paid him at least part of the money at that time.

Hyman and Petrucci were supposed to get part of what was paid to Sanford. Jack Friedlander and Harry Russell did not like the idea of Hyman being involved, since he was a mere bookmaker, so Hyman was pushed aside and never received anything.

Later, Petrucci approached me and complained that he had not gotten a big enough cut from Sanford, having received only \$400 or \$500. He was angry and said that he was going to expose the whole deal unless he received more money. I arranged for an immediate meeting with Friedlander on the parking lot at the Island Club, and Russell was with him. I told both what Petrucci had said, and between them they made up a pot of \$500 or \$600 for me to take to Petrucci. I gave Petrucci the money and he gave me back \$100 for making the collection for him. I also told Petrucci that Friedlander and Russell had promised more; which they had.

Both Hyman and Petrucci verified to me the essential details which I have given.

Around October and November 1949, Deputy Sheriff Wayne Pittman, who is in charge of photographs and fingerprints in the Dade County sheriff's office, approached me and stated that if I had the opportunity to make any deals with these persons we were arresting by destroying their FBI records, fingerprint files, and photographs that he would cooperate. He said that he would like to make a few dollars, as he did not have the opportunity to work on the outside where the deals were more plentiful. In the months of October and November 1949, I had the occasion to arrest a man for operating a bolita, whose name was Angelo Bancelos. I booked him in the county courthouse and charged him with possession of lottery tickets. Shortly after I found out that this man was working for another man by the name of Billy Rider. Jack Friedlander then called me and told me that certain interests would like this man's fingerprints and FBI records destroyed and that it would be worth while for us to do that. I then approached Wayne Pittman and told him the story and he agreed to cooperate in that respect. I then was told to contact George Weigand, whom I have mentioned before, and the deal was set up for payment of \$400 in order to get rid of this man's record (FBI) and fingerprint files. I collected the \$400 from George Weigand and gave half of that to Wayne Pittman. When he received this money he told me he would see to it that the records were destroyed. Whether the records were destroyed or removed from the files, I do not know.

It just so happened that a crew of five men, working on Saturday nights, had made the arrests of certain gambling operations. This crew consisted of Deputy Sheriffs Kersey, Pittman, Stephenson, Sims, and one more, whose name I don't remember at the present time. They made a raid on a Negro gambling establishment which was located in the heart of Negro town on Northwest Third Avenue, and arrested five men, charging them with operating a gambling house. The following week on a Saturday night again, they caused the arrest of certain Negroes at the same location, bringing in and booking in the county jail about 33 persons. Shortly after that McLendon called me and talked to me about those arrests and asked me to find out whether or not those cases could be thrown out and if so just how much would it take. I then went to Kersey and told him the situation and he also informed me that I had better talk to Wayne Pittman, as he was afraid to take any action because of Pittman, in view of past difficulties between them. I approached Pittman and told him that I had talked to Kersey about that situation, and I wanted to know what he thought of it. He agreed to play ball, providing that no more than the two of them were included in the deal, and that the other arresting officers not know anything about it. I then informed Kersey that everything was O. K. with Pittman and then I asked Kersey what he thought to be a fair price to throw both of these cases out. We talked it over and finally it was decided that a total of \$1,000 would suffice for their work. I then returned to McLendon with that news and he was very much disturbed as to the price. He then told me he would contact the other boys involved, naming a man by the name of Goldman, who was the owner and operator of a cabaret in the heart of the colored section. The cabaret was called Harlem Square. Several weeks elapsed and there had been no settlement made insofar as the money was concerned. Mr. Kersey and Mr. Pittman were up in arms and I again returned to McLendon and wanted to know whether or not the deal was to be made and he said that it would be made in spite of the fact that the boys at the Harlem Square didn't want to play ball. Inasmuch as he had made the original deal, if it took him a year to pay it, he would pay the \$1,000 himself. He then stated at the same time that he was having a rough time with the bookie business and it would take him a little time to get this money, but to assure the boys that he would get it.

The 1st of May 1950 I left Miami for a vacation and returned to Miami about the 18th of May. I met Kersey on my first day back at work and he told me what difficulty he was having with Pittman and that Pittman had left on his vacation, but before leaving he had told Kersey that he had better get hold of some money and wire it to him in Georgia. Kersey then went to McLendon and told him of the situation, and in turn McLendon sent him to the colored section of town where Kersey met a Negro who handed him \$200. I do not know the name of the Negro. Kersey in turn sent Pittman \$100 of this money, where he was vacationing in Georgia. This money was sent by Western Union wire. Then at a later date, both Kersey and Pittman again asked me to see what could be done to get the rest of the money and Kersey was telling me that unless the money did come that the latter of the two cases involving the thirty-some-odd people would be filed in the county solicitor's office and for prosecution. I went to McLendon, explaining to him the situation. He in turn gave me \$100 which I kept. I later informed Kersey that I had received \$100 and also informed him that I was keeping that myself and that the balance of \$700 would be forthcoming later. However, this was never paid to my knowledge. I believe that the first case was killed in the county solicitor's office by Kersey's appearing and filing a "no information" report. The second case, to the best of my knowledge, is still pending.

Recently Marty Richmond, whom I have mentioned before, told me that around February or March 1950 Chief Criminal Deputy Claude High had arranged for a secret raid, that is, secret from the other deputies, on a dice game which was running in a room in the penthouse of the Congress Building in the city of Miami. This game belonged to Marty Richmond and Whitey Martin. For the purpose of this raid, High assigned Deputy Rogers, who was still the night jailer and who has since been admitted to the Florida bar, and Deputy Russell Sims. After Rogers and Sims succeeded in getting in and observing the game Deputies Shields and Chauncey Howard were summoned to assist in carrying in the prisoners. I should add that when Shields arrived on the scene, he immediately took charge and seized the money and other evidence which Rogers and Sims had confiscated. The money amounted to \$3,000 or \$4,000.

Richmond told me that he was positive that this raid was conducted to enable Raymond Craig to obtain a piece of this dice game. Rogers later told the whole story to me and said that after Shields took the money that he, Rogers, had not gotten his cut out of it, although he was certain that both High and Shields had taken a cut. Rogers added further that unless he did receive the cut that he was not going to file an "information" on this case before the county solicitor, which would kill the prosecution of the case. I do not know what final disposition was made of this case.

Shortly after the Congress Building raid, Raymond Craig, Marty Richmond, and Jack Friedlander opened a crap game in the penthouse of the Alcazar Hotel. These three men were partners in that operation. About 2 or 3 weeks later Jack Friedlander withdrew from the game because of an argument with Raymond Craig. Friedlander wanted to install his own cashier in this game and Raymond Craig would not agree to this. This operation was never very successful and closed 3 or 4 weeks later. However, I believe that the lease for the Alcazar Hotel penthouse is still held by Marty Richmond or someone acting for him, as Marty had handled all of the details for this game. Marty Richmond is the one who gave me the foregoing facts personally on the crap game in the Alcazar Hotel. Raymond Craig also told me of the argument he had had with Jack Friedlander about this game. Friedlander revealed to me that he had dropped out of the game at the Alcazar at the time when I approached him to tell him that the other deputies were complaining because no payoff money had been forthcoming from the Alcazar game. I then asked Friedlander if he thought that Raymond Craig was going to avoid paying the deputies their money because of his connections with the sheriff. Friedlander replied, "Don't worry about Craig. This will take care of him and when I am ready to deal with him I can deal with him in my own way." With that statement, Friedlander withdrew from his pocket a note for \$25,000, signed by Raymond Craig. Friedlander explained that he had acquired this \$25,000 note from Craig in the following manner: Sometime in the past Craig had made a tentative deal with "outside interests" whom Friedlander did not identify to me. This deal entailed Craig's selling all of his bookie interests; \$50,000 was the cash down payment paid to Craig after which the outside interests backed down on the deal, and Craig was asked to refund the money. Craig didn't refund but \$25,000; and gave the \$25,000 note, which Friedlander was holding, for the balance of his obligation.

Later, I kidded Craig about Friedlander holding his \$25,000 note and Craig became very angry that I knew of the existence of this note. He then explained that as a businessman if one were to sell a piece of property and someone put the money up in escrow, and if they should default on the deal, one would be entitled to keep the money. On the other hand, he didn't believe in operating that way and that is why he returned part of the money to them in cash, but as for the balance, which the note represented, "I will give it to them when I get damn good and ready." I should add that, by the open admission of both to me, Friedlander and Craig were arch enemies.

At this point, I would like to mention a situation in which I participated while an employee of the sheriff's office, but before I was assigned to work under the chief criminal deputy. One Saturday night, Jim Hawkus, who was then chief criminal deputy, Sheriff Sullivan, and a number of the deputies were at the sheriff's office, arranging for a raid on a gambling houseboat tied up at Seventy-ninth Street. It was decided that a civil deputy in the sheriff's office, named Guarino, and myself would attempt to make the entrance into the gambling operation on this boat, since we were unknown. It was arranged that Deputies Tom Ford and Baron Shields would follow up on Guarino and myself, provided we succeeded in gaining entrance. Guarino and I entered the boat, went to the bar and ordered drinks. Later we attempted to enter the gambling room which was in a separate compartment, but a guard, whose name I later learned was Dick Guest, refused to let us in. Previously, I had noted Tom Wood at the bar and so I asked Tom Wood to identify us to the doorkeeper so that we could enter. Tom Wood did this. At this point, I should mention that Tom Wood was one of the two runoff candidates in the recent constable's race for district 2 in Dade County, and that he had previously been constable for 12 years. Wood had also been a deputy sheriff at one time.

With Tom Wood's assistance Guarino and I were admitted to the gambling room by Dick Guest, at which time we discovered that gambling was under way, and so made the necessary arrests. Guest ran away when he realized that we were raiding the place and I later learned from Jack Friedlander that Guest came straight to him and accused him of having caused the raid. Raymond Craig was also accused of having instigated this raid because the boat was tied up fairly close to Craig's Turf Club.

About six persons were arrested in this raid. Before the trial of this case was to come up, I was introduced again to Dick Guest and to Ward Macklin and Eric Johnson in the cocktail lounge at the Dallas Park Hotel in downtown Miami. These three were identified as partners in the gambling boat. One of the boys arrested in the raid was named William Stanger. I met William Stanger's brother, and he stated that his brother, whom we had arrested, was wanted for a parole violation in a western State. If I recall clearly, the charge was armed robbery. Stanger's brother told me he had come all the way down from Hollywood, Fla., to tell me that he would make it worth while to me if I could help to fix it so his brother was not convicted on the gambling charge. These three men and I went to a houseboat tied at a dock across from the Tuttle Hotel in downtown Miami to discuss the matter further. At this time, I was offered somewhere around \$800 to \$1,000, which was to be split with the other deputies involved in the raid, in order that this case be killed. I was not given any money at that time.

Later, when the case came up, it was thrown out of court. I cannot now recall whether anything that I said or did had anything to do with the failure of this case in court. I never received any money in this case.

Guarino complained to me several times that we had received no money from Guest, as we had been promised. So I went up the coast a short way to Pompano, Fla., where the gambling boat had been towed after the raid and had been changed in name to the Pomp Club. I demanded of Guest that they pay at least some of what they had promised. Guest gave me a hard-luck story, and I received nothing. I did learn, however, that Mike Skeffington, about whom I shall have more to say hereinafter, had arranged with Sheriff Walter Clark, of Broward County, for the Pomp Club to operate in that county. (I found that the partners in the Pomp Club were Dick Guest and Jackie Davis; and that Mike Skeffington was the fix man for the club, and he was to receive some of the profits.)

Around September of 1949 Chief Criminal Deputy Claude High told me that Eddie Lynch, who had previously been fired by the Florida State Beverage Department, was, according to what Jimmy Sullivan had told Claude High, anxious to appear before the spring term of the Dade County grand jury, at

which time he expected to give considerable information against the Dade County sheriff's office, and also various individuals in the State beverage department. At the time High told me this neither he nor Sullivan knew Lynch, and High indicated that he and Sullivan were anxious to identify Lynch and attempt to stop him from appearing before the grand jury.

An acquaintance of mine, named Eddie Petroceni, who runs the Beach Amusement Co. on Miami Beach, and who also claims to be a brother-in-law or nephew of Frank Costello, was, it developed, a close friend of Lynch and had in fact been giving Lynch money to live on after his dismissal from the beverage department. At my request, Petroceni went to Lynch immediately and learned from Lynch that in fact the latter did want to go before the Dade County grand jury and also the Broward County grand jury. Lynch indicated to Petroceni that he had considerable written data reflecting that various employees of the State beverage department had been shaking down bar operators in Dade and Broward Counties. I do not now recall whether Petroceni said that Lynch had any information on the sheriff's department. Lynch's information may, in fact, have related only to the State beverage department. In any event, it was apparent that Lynch was angry because he had been fired by the State beverage department and felt that he was in an excellent position to even the score. It should also be added that I later learned from Lynch himself that he had been a supporter of Fuller Warren, candidate for governor.

After talking with Lynch, Petroceni made a trip to see Louis Frost, Florida State Beverage Department director in the Dade County area. He found Frost out of town but talked with Tom Wood, whom I have previously mentioned and who was at that time functioning as Frost's assistant. Petroceni told Frost of the Lynch threat.

Petroceni next telephoned Attorney Julian Warren, brother of Gov. Fuller Warren, in Jacksonville. Petroceni explained to Julian Warren how necessary it was to gain for Lynch reinstatement in the State beverage department. Julian Warren agreed that this was so when the story was explained to him and said that he would do what he could. Julian Warren was to talk with Louis Schott, State director of the Beverage Department or Joe Bowen, his assistant in Tallahassee.

At about the same time that Warren was supposed to be carrying on conversations with the State beverage department head office, State Beverage Department Investigator Bob Baron came to the sheriff's office in Miami. Baron learned of the Lynch threat and had a talk with Eddie Lynch.

I later learned from Petroceni that Louis Schott had refused to reinstate Lynch and apparently the whole matter was dropped without serious consequences because, to the best of my knowledge, Lynch never appeared before either grand jury.

Around December 1949, Deputy McLeroy and I conducted a raid on a gambling joint at 139 Lindsey Court, Hialeah, Fla. This place, in addition to being a horse book, was also operating crap games, roulette wheels, and black jack. We succeeded in entering the place because the side door was opened by someone and we walked in. We arrested LaMar Pierce, J. W. Ware, Robert Adley, Harry Milkenson, W. S. Sommers, William Lane, and Dave Yochim. This man Dave Yochim is actually the brother of the chief of police at Miami Springs, an adjacent community to Hialeah.

While we were in the process of making this raid, Leon Bishop entered the room. This is Col. Leon Bishop of Governor Warren's staff, who was recently arrested in another Florida county for operating a gambling joint, and is currently under indictment for this offense.

Bishop asked me at that time if I knew what I was doing and I assured him that I did. Bishop then asked me if I minded if he made a phone call to a friend of mine. Bishop made a phone call, but to whom I do not know. Approximately 5 minutes later, the telephone rang, and I was called to the telephone. The caller identified himself as George Bowers, to whom I have previously referred. Bowers told me to pack up and "get the hell out of there immediately" as this man, meaning Bishop, was a close friend of the Governor, and that telephones had already started ringing in Tallahassee about the raid. Bowers went on to say that the Governor was supposed to be very angry that this raid had been pulled. I ignored Bower's telephone call and McLeroy and I brought our prisoners in and booked them.

Shortly thereafter I was called by Jack Friedlander and went to meet him at our usual post on the parking lot at the Island Club. Friedlander had with him Dave Yochim and Leon Bishop. At that time, Friedlander said that it was

a "bad pinch" and should never have happened. Friedlander wanted to know if there wasn't something that we could do to prevent these cases coming to trial. He said that it would be worth our while, but made no specific promise at that time. I replied that I didn't know until I talked it over with McLeroy.

Later the same night, Friedlander told me privately that he would greatly appreciate my doing something about this particular case because it would give him an opportunity to prove to these men his power of control in Dade County.

Later I met Leon Bishop on northwest Thirty-sixth Street in Miami at which time he again insisted that some effort be made by McLeroy and me to do something about quashing this case. He stated that he was a very good friend of W. O. "Bing" Crosby, and in addition was a close personal friend of Gov. Fuller Warren. He stated that Gov. Fuller Warren had visited him at his home in Fort Walton, Fla., on many occasions, and that because of Bishop's personal efforts on behalf of Fuller Warren in the Governor's campaign, that Warren had sent him to Hialeah to take over the crap games, roulette wheels, and all gambling operations at the Lindsey Court address except for horse booking, which he revealed was really bossed by Walter Carey. After talking the matter over with McLeroy, I again saw Bishop. By this time it had become necessary for us to file an information with the county solicitor's office in this case. Bishop stated that if arrangements could be made for the case to be killed on trial day that it would be worth \$1,000, which he would pay.

On the morning of the trial, McLeroy and I decided to go through with the deal. I approached Jim Flaherty, an assistant in the county solicitor's office, and told him about this particular case and explained to him that there would be an opportunity for him to pick up a little cash if he wanted to cooperate. Flaherty said that he thought it would be arranged, but that he wanted to talk with another assistant county solicitor, Emmett Kehoe. Finally he succeeded in getting Kehoe to also agree. As I recall the matter the case was thrown out of court for illegal entry, although our entry had been entirely legal and without force. This court ruling was possible because of the line of questions directed to me by Emmett Kehoe and the answers which I gave him.

Immediately after the trial, Leon Bishop met me in the washroom and gave me \$1,000 in cash. Later I took \$200 of this money to Emmett Kehoe, which he was to split with Jim Flaherty. I should add that I got the distinct impression that Fred Pine, counsel for the defendants, was thoroughly aware of the arrangement between Flaherty, Kehoe, and myself for the handling of this case. That he knew so was apparent from his line of questioning and the remarks made by him during the trial.

I recall at one time during the past winter season I ran across Detective Pat Perdue, the one-man bookie squad of the Miami Beach department, at which time I was attempting to locate horse books to raid on Miami Beach. Pat wasn't particularly pleased that I was operating in his territory. He gave me a list of places to raid in Miami and said that he would give me some more later on. He revealed at that time that he was working on a list of "renegades" or "rebels," who were booking on Miami Beach. By this he meant he was searching for booking operations not proceeding under the auspices of the S. & G. Syndicate, or the two or three other bookie operations on Miami Beach. Pat Perdue showed me his list of so-called renegades. Later Harry Russell explained to me about the occasional raids which the sheriff's office was forced to make on S. & G. books. I pointed out to Russell that there had to be some arrests, so Russell told me that he would make up a list for me of places where such raids could be conducted. Later Jack Friedlander handed me this list prepared by Harry Russell. I noted that the list was very similar in content to the list which Pat Perdue had shown me.

While on the subject of the raids, which we were forced from time to time to make on the S. & G. books on Miami Beach, I should relate the following: At times Chief Criminal Deputy Claude High would tell McLeroy and me to bring in such numbers as two or four or a similar figure, meaning that we should make that many bookie arrests on Miami Beach. On such occasions, I would call the main S. & G. office, located in the Mercantile National Bank Building on Miami Beach, and tell whoever I talked with that I had to make a given number of arrests. In making such calls, I have talked with Sam Cohen, Jules Levitt, Charles Friedman, and, once that I recall, Harry Russell. Whoever I talked with at the S. & G. office would then assign me the places to "raid" to produce the necessary arrests. In like manner, I would call other independent bookies, such as Sam Clark, for their quota of places to be raided and would have such places assigned for raid.

On one occasion I recall when I called the S. & G. office and said that I would have to make some arrests, they objected strongly to my demanding so many from them and stated that I would have to get part of my prisoners elsewhere. If I recall correctly on this occasion I talked with Harry Russell in the S. & G. office. After agreeing to make an arrest elsewhere, Russell gave me 538 Washington Avenue, Miami Beach, as the S. & G. place in which to make an arrest.

I then called Sam Clark's office at the Club Collins, and someone in his office said that they would produce a man for me to arrest at 436 Forty-first Street, Miami Beach. This was in February of 1950. I then drove to the address supplied me by the S. & G. office, and when I arrived at the address, a man was standing on the sidewalk and came up to me and said, "Are you Patton?" I identified myself, and he said, "I am your man," and got into the car and handed me the necessary evidence.

On the same trip I went by the address supplied by Sam Clark's office, and a man was likewise waiting for me there with evidence in hand. These men were brought in and the sheriff's office was credited with gambling raids.

In the early spring of this year, I raided the horse book of Tom Hodges, located on Northwest River Drive in the city of Miami. Hodges is the brother-in-law of former Deputy Sheriff Tom Burke, and is currently the next door neighbor of Sheriff Jimmy Sullivan. Hodges himself was not present when the raid was conducted, but one of his employees requested permission to call "the boss." About 5 minutes later I was called on the telephone at Hodges' bookie joint by Raymond Craig who demanded to know why I had made the raid. I reminded Craig that I had told Tom Hodges a few days previously to close down because of the "heat" on gambling at the time. This was on orders from Claude High. Craig reversed the order and directed Hodges, who was a partner of Craig in this particular place, to open up again. Before leaving Tom Hodges' bookie joint, I received another telephone call. This call was from Mrs. Ethel Sullivan, wife of Sheriff Jimmy Sullivan. Mrs. Ethel Sullivan opened her remarks to me by complaining of people bothering her about such matters, but asked me if I could "take it easy on them if you know what I mean." She also insisted that I not let the sheriff know that she had made this telephone call to me. Because of this request from Mrs. Sullivan, when making my report to the county solicitor's office, I informed that office that I had kicked the door in thereby making the raid illegal. This killed the case. I should add that my entry into Hodges' bookmaking establishment was entirely legal because I was admitted freely by one of the employees, who is known as Pop Lee, who is presently operating a small restaurant up the street from the address of this bookie establishment.

In April 1950, while attending the wedding of Claude High's son at the High home, Mrs. Sullivan remarked to me, "Pat, I don't see your name in the papers making any of these arrests. If I were you, I would." I took this to mean that the town should be closed down and so relayed this information to Claude High.

After the current Dade County grand jury got under way in Miami, I was told by Dick Reynolds personally that he had been instrumental in arranging a "taxpayer's suit" challenging the legality of the grand jury, the special prosecutor, and the elisors. Reynolds told me that he was very close to Mrs. Ethel Sullivan, the sheriff's wife, and had interested her in this taxpayer's suit.

Later Jack Friedlander indicated to me that he, Harry Russell, Reubin Clein, and the S. & G. Syndicate boys were all interested in this proposed taxpayer's suit and that they wanted to employ Attorney Vincent Giblin. Giblin wanted a \$10,000 attorney fee I was told. Friedlander and the others felt that Jimmy Sullivan should bear part of this expense, but Sullivan did not feel that he should bear any of the expense. As is known, recently a number of suits have been instituted by various individuals under indictment by the Dade County grand jury, which suits attacked the legality of the grand jury, etc. One such suit was brought by Attorney Moses Rosenhouse, as a "taxpayer."

Regarding Dick Reynolds, I should say that he is currently an employee of the Miami Daily News newspaper and was formerly an employee of Reuben Clein who publishes the weekly Miami Life.

It is my belief that Dick Reynolds had served as a direct contact between Jack Friedlander and Sheriff and Mrs. Sullivan. I have personally seen Dick Reynolds at night on several occasions in the home of Jack Friedlander and talked with him. This was as recently as a month ago. On one of these occasions, Jack Friedlander and Dick Reynolds were discussing the activities of the Dade County grand jury, and the fact that it was apparently trying desperately to indict Sheriff Sullivan.

Later I asked Friedlander how close Reynolds was to the sheriff. Friedlander replied, "Well, I will give you an idea," and then cautioned me to not reveal what he was telling me. He went on to say that "an order came to buy Dick Reynolds a new car and that arrangements had been made to buy it through distributor Johnny Jones," who is a close friend and associate of Jimmy Sullivan. I asked Friedlander who had issued such an order. Friedlander said, "Do I have to tell you?" Then he remarked, "Don't you work for somebody?" I then remarked, "You mean the sheriff gave the order?" Jack Friedlander only shrugged, but did not reply.

Still later on, on one occasion I was approached by Dick Reynolds, who demanded some sort of information from me, which I wouldn't give him. Reynolds then said, "Knowing what I know about you, I wouldn't talk like that." I then pointed out that I knew considerable about him also and asked him how he got his car, who had bought it for him, and on whose orders. This appeared to upset Reynolds considerably and he requested me not to reveal this information about the automobile. The automobile which Reynolds had received was a new Dodge business coupe, similar to the car driven by the sheriff.

Shortly after Jack Friedlander's indictment recently by the Dade County grand jury, Friedlander told me to go and see Jimmy Sullivan immediately. He stated that he, Friedlander, had information from his grand jury contact that the grand jury was going to indict Sullivan. He also said that the grand jury was going to indict me because of the Charlie Robertson case, which I have mentioned before. He asked me to call Sullivan that if he, Sullivan, had a man on the grand jury that he had better get to him quick if he wanted to avoid indictment. Friedlander also wanted me to tell Sullivan that in his opinion Raymond Craig was "selling Jimmy down the river." I then went to Jimmy Sullivan's residence late one night and Sullivan came out on the porch and talked to me in the dark. I gave him Friedlander's message. Mrs. Sullivan interrupted the conversation by calling for Jimmy. He went inside and whispered with her for a few minutes, after which he came out and said, "Good-night Pat," without making any comment on the message which I had delivered.

At one time during my dealings with Jack Friedlander, he warned me to be careful of whom I went out with and the company which I kept and stated that it was also possible to get a few too many drinks, after which some very damaging pictures could be taken. Friedlander went on, "Take for example, Warren. They had him out in Chicago one night and dined him and they finally ended up taking some pictures of him." Friedlander was referring to Gov. Fuller Warren.

Around the end of the 1950 season, Jack Friedlander decided to finance a party for the sheriff's deputies at the Beachcomber on Miami Beach. Deputy Milton Klein and I passed out invitations. About 12 people from the sheriff's office attended this party. Those whom I remembered were Deputies Thompson, Brannon, Klein, Kersey, Ford, C. W. Rawls, Charles Wells, Stephenson, Gordon McKesson, Hughes, and myself. This party was held at the Beachcomber while Sophie Tucker was appearing there, and all members of the party knew who was sponsoring the party, although Friedlander himself was not present. Late in the evening we moved the party from the Beachcomber to the Copa City Club, also on Miami Beach. This is a very expensive place, but we did not pay anything there either. Klein made the necessary arrangements.

Around 2½ or 3 months ago, Jack Henderson resigned as constable in the second district of Dade County to buck safety director in the city of Miami. It occurred to me that I might be able to get Governor Warren to appoint me to fill this vacancy in the constable's office. Eddy Petroceni, whom I have mentioned before, told me that he would help me to try for the Governor's appointment to this vacancy. Petroceni then called in Mike Skeffington, a gambler whom I have also previously mentioned. Skeffington revealed that he was going to seek a job in the State beverage department. Petroceni and Skeffington then in my presence placed a telephone call to Gov. Fuller Warren's brother, Julian Warren, in Jacksonville. Each of them talked with Julian Warren, and one or the other of them explained to Warren that I was "one of the boys." Julian Warren was urged to do whatever he could to influence both Skeffington's appointment to the beverage department and my appointment to the constable vacancy. Petroceni and Skeffington told me that Warren had replied that he would do what he could.

I told Jack Friedlander about my ambitions to receive the constable's job and that Julian Warren had been contacted and requested to use his influence. Friedlander replied that he doubted that Julian Warren had such power with his brother, Gov. Fuller Warren. Friedlander, however, in my presence, tele-

phoned Julian Warren at his home in Jacksonville. In order to avoid the use of names over the telephone, Friedlander identified himself to Julian Warren as having met him at a party in Jacksonville and described himself as "the little short stubby guy with gray hair." Apparently Julian Warren recognized Friedlander at this point. Friedlander then stated, "My client is going to Tallahassee in regard to the constable's job, and I want to tell you that your firm will receive \$2,500 if he gets that appointment."

Skeffington and I then left Miami by Eastern Air Lines en route to Tallahassee to see Governor Warren. When the plane stopped at Jacksonville, Skeffington phoned Julian Warren at his office and Warren came out to the airport and talked with us for a few minutes. This was the first time that I had met Julian Warren. Warren indicated that everything appeared O. K. regarding the appointments, but added that if he was needed, he would come to Tallahassee the next day. He said that he had discussed the matter with his brother, Fuller Warren.

When we arrived at the Governor's office, the Governor was in session with his cabinet according to Dorothy McMasters, his secretary. After the cabinet session was over and Governor Warren held a brief press conference, he appeared in the hall where Skeffington contacted him and talked with him briefly. Shortly thereafter, Governor Warren received Skeffington and me in his office, where we held a private conference with him. The Governor assured Skeffington that he would be put in the beverage department. I had never met Governor Warren before and so he asked me my qualifications for the office of constable and wanted to know about gambling conditions in Dade County. I told him the lid was on and he expressed pleasure that this was so. The Governor indicated to me that he had received the names of several other applicants for the job of constable and that he was having a difficult time deciding on an appointment to the constable's office. He made no definite promise to me that I would be appointed.

Thereafter, Governor Warren delayed a long time in deciding on an appointment for the constable's office, and the Democratic Committee of Dade County called upon him for an election to be held for the selection of a new constable, which is what was done.

Before I went with Skeffington to Tallahassee, Jack Friedlander assured me that Harry Russell had telephoned William H. Johnston to enlist his aid in having me appointed constable. I was assured that if Johnston helped me it would be done through B. K. Roberts, a member of the Florida Supreme Court. I do not know whether anything was done by Johnston or Roberts or not.

After I was put on the gambling squad I heard rumors that I was supposed to be "Bill Johnston's man." If this was so I did not know it; but it could have been so, although I did not and do not know Johnston. I say this because of the following:

When W. O. "Bing" Crosby was in Miami, he had led me to believe that he could do me a lot of good, but I got the idea from him that any help he gave me would be through his connections with Gov. Fuller Warren. Attorney Ben Cohen had told me that Bill Johnston was a personal friend of Crosby and of Harry Russell. Since I had learned from newspaper stories that Bill Johnston was supposed to have contributed over \$100,000 to Fuller Warren's campaign for Governor of Florida, I naturally concluded that Johnston and Governor Warren must be good friends. Putting all this together I began to wonder if I was "Bill Johnston's man."

I tried to learn from Harry Russell and Jack Friedlander whether or not Crosby had anything to do with my appointment to the criminal division of the sheriff's office and later to the gambling squad. Neither said so definitely but they also did not deny it. Their answers were entirely evasive and so I felt that possibly Crosby did have a hand, either directly or indirectly, in the matter.

From time to time while on the gambling squad I saw Red Rainwater, an old-time Miami gambler who has a number of bookie joints and crap games mostly in the northwest section of Miami. Rainwater works pretty closely with Jack Friedlander and was with Friedlander at times when I had my regular meetings with Friedlander at the Island Club parking lot. I have also seen Rainwater in Friedlander's home on Pine Tree Drive, Miami Beach, on several occasions when I was also there.

Not too long ago I raided a small hotel in the northeast section of the city of Miami and arrested Ralph Delk and two prostitutes for operating a house of ill fame. Red Rainwater contacted me immediately and wanted to know if I could not quash the case. He said he would make it worth my while to do so. I refused. He then argued that he saw no reason why I shouldn't make an

agreement with him to let this house of prostitution operate since the city had O. K.'d the operation. I brought Delk and two girls in and booked them. They were convicted.

At another time Red Rainwater said to me that Miami City detectives and Newt Hudson, a Dade County constable with offices on Northwest Fifty-fourth Street in the city of Miami, "had to have theirs," and that he had been delegated to collect it from the gamblers in his area for them. He didn't say who delegated him, but I think that since he was so often with Friedlander that may answer this question.

When relating the facts as I know them about W. O. "Bing" Crosby's raids on Miami Beach bookies, I failed to say that at the same time Crosby was staging these raids in which I helped, the bookie wire service to Miami Beach was also cut off. Later, after my deal with Friedlander and Russell was made, Friedlander told me that the wire service to Miami Beach was shut off due to Russell's influence. He explained Russell's "influence" by saying that Russell was "the man out of Chicago with connections."

Not long before I left the sheriff's office, Deputies Shields, McLeroy, Brannon, Sistrunk, and I, on Claude High's instructions and a search warrant, raided the Tropical Grill at Fifth Street and West Avenue on Miami Beach. This place was a distributing point for the wire service. We seized about 12 telephones and arrested Leo Kelley.

After the Tropical Grill raid on the same day, Dave Youmans, operator of the Dallas Park Hotel Bar and Grill called for me to come over. Youmans is a former bodyguard of Moe Annenberg, who was the head of an older national gambling wire service. Youmans had also worked for a former Miami newspaper called the Tribune, I believe, which belonged to Annenberg. Youmans also receives either \$100 per week or per month under some kind of a trust fund set up by Annenberg. Youmans used to spend considerable time around the Dade County News Dealers place which was an outlet for the wire service until recently.

When I got to Youmans' bar, he said he wanted me to meet someone and made a phone call. Shortly, a little fellow arrived, whom Youmans introduced to me as "Walter Kehoe." Youmans later, however, said that "Kehoe's" correct name is actually "Butsy" O'Brien. It is my understanding that O'Brien is the head of the wire service around Miami.

O'Brien wanted me to kill the case against Leo Kelley and Tropical Grill. He said he would make it "worth somebody's while" if this was done. He said he was surprised that High would have ordered the raid since High was "getting his." (Jack Friedlander later told me that he too was surprised that High ordered this raid as High was "being taken care of.") O'Brien said that it looked like I was the only one in the sheriff's office with whom business could be done and whose promise could be trusted. He said he would keep in touch with me.

At this same time O'Brien, knowing that I was friendly with Youmans, told me that some time before old man Mickey McBride, of the National Wire Service, had been in Miami and had told O'Brien to cut the payroll and also to get rid of Youmans. O'Brien stated that he talked McBride out of having to dismiss Youmans by telling McBride that Youmans was a good man to have around, that Youmans had done a lot of past favors and that he could be counted on day or night.

When the United States Senate Crime Committee came to Miami in July 1950, the sheriff's office got very busy getting material ready which Chief Criminal Deputy Claude High told me the sheriff wanted to use in his testimony. Deputy Tom Ford and I were assigned by High to run titles on property where certain of the big mobsters lived in the Dade County area. Also we ran the gas, light, and water bills on these places to see who these bills went to. We then submitted it to the sheriff just in time for him to use it in his testimony. On the first day that the Senate committee was in Miami for its July hearing, High sent out Deputy Baron Shields to take photographs of the homes of some of the mobsters. These photographs were scarcely dry when they were delivered by me to Sheriff Sullivan at the Senate hearing in the Miami Federal Building. The purpose of Ford's and my report and of the pictures was to show the Senate committee that the sheriff's office was following the activities of these mobsters closely.

Before Jimmy Sullivan testified at the Senate hearing, High also sent me to the Miami Chamber of Commerce to look in the city directory of Pittsburgh and

see if I could find anyone named Poulos listed for that city. High told me to take whatever information I got straight to Attorney Dick Hunt's office. Hunt is Sheriff Sullivan's attorney.

I found no such name in the Pittsburgh directory and went to Dick Hunt's office to tell him. Neither High nor Hunt told me why they wanted this information; but I knew that Sullivan had been accused of having a real-estate deal in Miami which involved a mysterious person named James Alexander Poulos and that neither Sullivan's real-estate man, Lee, nor Sullivan could explain who this man Poulos was.

I estimate that I received around \$15,000 altogether as my share of graft payments which were paid in the ways I have described. I have no accurate figures, as I kept no record of these payments, and did not deposit these payments in a bank account.

After Governor Warren made the decision for the constable's vacancy to be filled by an election, I resigned from the sheriff's office to run for constable.

I prepared a letter of resignation and took it into Sheriff Jimmy Sullivan's office in September of this year. The sheriff talked with me for about an hour or more. He told me that I had done a fine job and that he was sorry to lose me. He then said he wanted to give me some advice to be followed if I won the constable's job.

He told me that if I bought anything to pay cash—not checks. If I wanted to buy good suits of clothes he said not to buy them in Dade County, but to go up to Hollywood or Fort Lauderdale to buy them so the purchase couldn't be traced. He told me to watch my step because "there are a bunch of bastards who will try to pin it on you."

Sullivan then changed the topic to the current Dade County grand jury which was in session. He indicated that he was afraid he might be indicted. He asked me "what do you think of Jack Friedlander?" (Friedlander had either been indicted at this time or it was rumored that he would be.) I answered the sheriff by saying that I thought Friedlander would be one of the sheriff's best stand-up men and added that Friedlander was one of the best friends he had.

I employed as my campaign manager Lee Mason. Mason is an employee of Reuben Cline's "scandal sheet," Miami Life. Mason is the same individual who took all the photographs at the July Senate crime hearing in Miami. Jack Friedlander gave me \$800 for my campaign.

I ran third in the constable's race, but missed the runoff election by only 31 votes.

Possibly, I might have won the constable's office but for the fact that I made a voluntary appearance before the Dade County grand jury to tell whatever I could that they wanted to know about the crime and graft situation in Dade County.

I was never comfortable or happy while I was involved in the illegal activities and graft payoffs which I have described. I resented being maneuvered around by these gamblers; but somehow allowed myself to be dragged in deeper by the easy money I could get. Sometimes I thought of quitting to get out of the mess, but always talked myself out of it on the grounds that everyone else was getting this easy money, so why shouldn't I.

After I got out of the sheriff's office to run for constable I had time to think back on the corrupt acts in which I had been involved. I was thoroughly ashamed, and had a hard time facing honest people and asking them to vote for me. I am doing my best to make a complete disclosure of the corrupt acts in which I was involved or about which I have knowledge. I am fully aware of the difficulties this may cause me, but realize that is the penalty for what I have done.

I have read the foregoing statement consisting of 49 pages, including this page, and state that it is true to the best of my knowledge.

GEORGE PATTON.

Washington, D. C., November 11, 1950.

Given to: Ralph W. Mills.

Witnesses:

RALPH W. MILLS,

DOWNY RICE,

Assistant Counsel.

EXHIBIT No. 2

ORGANIZED GAMBLING IN TAMPA

NUMBERS
RACKETS

NARCOTICS

SOME PUBLIC OFFICIALS

UNSOLVED MURDERS

JULY 26, 1931 ANGELO LAZZARO (NO ARREST)	JAN. 10, 1932 MRS. FERNANDO BERNARDINI (NO ARREST)	SEPT. 26, 1932 FERNANDO VALDEZ (ONE ARREST)(ONE CONVICTION)
JULY 24, 1936 GUS PEREZ (NO ARREST)	OCTOBER, 1938 FRANKIE CARRAO (NO ARREST)	JAN. 31, 1937 EDDIE VIRELLA (NO ARREST)
JULY 20, 1937 JOE VAGLICI (NO ARREST)	MAR. 9, 1938 TITO RUBIO (NO ARREST)	OCTOBER, 1939 HENRY HULL (NO ARREST)
OCT. 12, 1939 MARIO PERLA (NO ARREST)	OCT. 24, 1940 IGNAZIO ANTINORI (NO ARREST)	NOV. 13, 1942 POLICEMAN ROLLA STANDAU (SUICIDE?)
DEC. 12, 1948 JIMMY VELASCO (ONE ARREST)(NO CONVICTION)	JULY 9, 1949 POLICEMAN MORRIS LOPEZ (NO ARREST)	JUNE 5, 1950 JIMMIE LUMIA (NO ARREST)

ATTEMPTED ASSASSINATIONS

NOV. 5, 1936 GEORGE ZARATE (NO ARREST)	DEC. 21, 1936 ANGELO GRECO (NO ARREST)	JUNE 9, 1930-JUNE 4, 1939-APRIL 1, 1944 CHARLES M. WALL (NO ARREST)	MAY 8, 1949 ARTHUR VELASCO (TWO ARRESTS)(NO CONVICTION)
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EXHIBIT No. 3

ENFORCEMENT of GAMBLING LAWS
CITY and COUNTY
JAN. 1 to SEPT. 1, 1950

ARRESTS (96) [REDACTED]

FORFEITED BONDS (45) [REDACTED]

DISCHARGED (43) [REDACTED]

FINED (6) [REDACTED]

PENDING (2) [REDACTED]

JAILED (NONE) [REDACTED]

EXHIBIT No. 4

INTERSTATE LINKS of MAFIA CRIME
with TAMPA

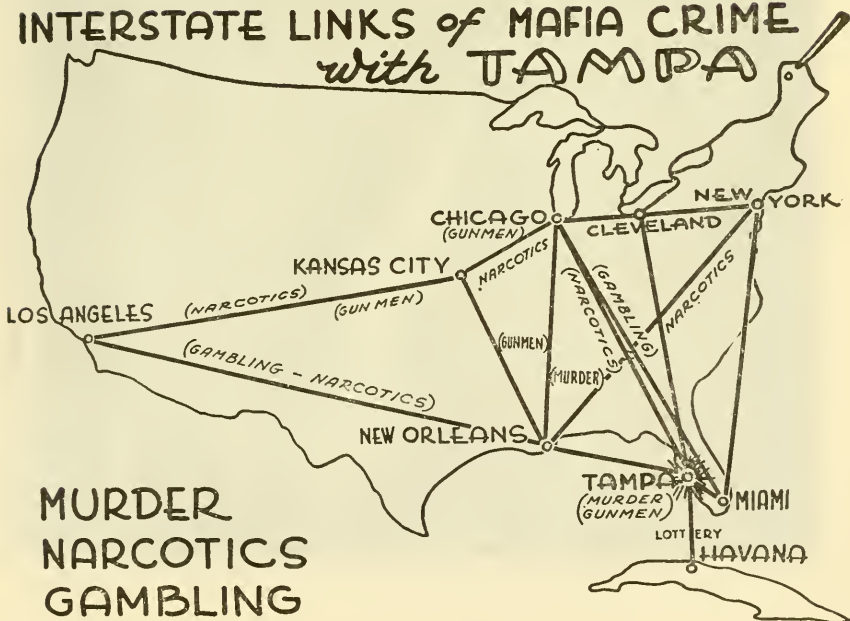


EXHIBIT No. 5

Doc 11044 vol 3

Form 40 FROM WAREHOUSING DEPARTMENT

This Deed.

Made the sixth day of July, A. D. 1946
by LEONARD CZERALSKI, also known as Leo Czeralski, and HELEN CZERALSKI,
his wife,

of the County of Pinellas, State of Florida,
hereinafter called the grantors, to ANTHONY DISCHENZOS, INC., a
corporation, having its principal place of business at 1704 Grand
Central Avenue, Tampa, Florida,
of the County of Hillsborough, State of Florida,
hereinafter called the grantee

Witnesseth, that the said grantors, in consideration of
Ten Dollars and other valuable considerations **Exhibit**
the receipt whereof is hereby acknowledged, do give, grant, bargain, sell, alien,
convey, release, confirm, and confirm unto the said grantee, and its
heirs and assigns in fee simple, the lands situate in Pinellas
County, State of Florida, described as follows:

Water lot opposite Lot 24 of Block 22 of Phillips Division
of Pass-A-Sailor, according to a plat shown of file in the
Office of the Clerk of the Circuit Court of Hillsborough
County, Florida, of said Pinellas County was formerly a
part, together with all riparian rights appurtenant to said
water lot;

Also, water lot opposite Lot 26 of Block 22 of Phillips
Division and the alley adjoining said lot on the south being
30 feet in width a certain lot, a plat shown of file in the
Office of the Clerk of the Circuit Court of Hillsborough
County, Florida, of said Pinellas County was formerly a
part, together with all riparian rights appurtenant to said
water lot, together with all improvements on both lots,
subject to all existing leases.

It is the intent of the parties herein to convey to the grantee all of
the rights of the grantors in and to the above described lots devised
under and by virtue of the following conveyances, to wit: deed dated
Feb. 11, 1937, from Burton W. Hollingshead et al to Hollingshead, his
wife, recorded in Book 24, page 207, Hillsborough County, Florida, and
deed dated Jan. 27, 1937, and May 22, 1938, from Burton Hollingshead and
Wanda C. Hollingshead, his wife, recorded in deed record 602, page 411, and
deed record 672, page 121, respectively, Pinellas County records,

to have and to hold the same together with the accretions and
appurtenances, unto the said grantee, and its heirs and assigns
in fee simple.

And the said grantors, for themselves and their heirs
and legal representatives, covenant, with said grantee, and its heirs,
legal representatives and assigns, that said grantee and its heirs and
assigns of said land in fee simple, that said grantors have full power and
lawful right to convey and grant in fee simple, as aforesaid, that it shall be
lawful for said grantee, and its heirs, legal representatives and
assigns, at all times peacefully and quietly to enter upon said lands and upon
said land, that said land is free from all incumbrances, that said grantors,
heirs and legal representatives, will make such further
assurances to perfect the fee simple title to said land to said grantee,
and that said grantors, do hereby fully warrant the title to said
land and will defend the same against the lawful claims of all persons
whenever.

Witness the hands and seals of said grantors, the day and year first
above written.

Signed, Read and Delivered in Presence of

W. K. Jurek
Joseph S. Olin

Leonard Czeralski
Helen Czeralski



BACK OF EXHIBIT No. 5

REC-1054 sub 4

State of Florida,

County of Pinellas

I HERBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Leopold Czokalski, also known as Lec Czokalski, and Helen Czokalski, his wife,

to me well known and known to me to be the individuals described in and who executed the foregoing deed; and they acknowledged before me that executed the same freely and voluntarily for the purposes therein expressed.

AND I FURTHER CERTIFY, That the said Helen Czokalski

known to me to be the wife of the said Leopold Czokalski on a separate and private examination taken and made by and before me, separately and apart from her said husband, did acknowledge that she made herself a party to said deed for the purpose of relinquishing, retiquishing and conveying all her right, title and interest, whether of dower, homestead or of separate property, statutory or equitable, in and to the lands described therein, and that she executed the said deed freely and voluntarily and without any compulsion, constraint, oppression or fear of or from her said husband.

WITNESS my hand and official seal at St. Petersburg, County of Pinellas, and State of Florida, this sixth day of July, A. D. 1935.



Notary Public

Notary Public, State of Florida, Pinellas County, Florida

77777
Burrhead Brand
MADE IN U.S.A.

DATE
ABSTRACT OF DESCRIPTION
BEING 1000 APPROX. LOTS 24
AND 25, 2000 FT. PAVILION
CITY OF ST. PETERSBURG, FLORIDA

ALL THE ABOVE IS THE TRUE AND CORRECT COPY OF THE ORIGINAL AS THE SAME IS ON FILE IN THE OFFICE OF THE COUNTY CLERK OF PINELLAS COUNTY, FLORIDA, AT ST. PETERSBURG, FLORIDA.

WALTER G. BARRIS
Attorney at Law
1000 1st St. N.E.
St. Petersburg, Florida



EXHIBIT No. 8

Form 216 Florida WARRANTY DEED—Standard Form

RECORDED 1034 PAGE 183
TUTTLE LAW FIRM, TALLAHASSEE, FLORIDA

This Indenture.

Made this 8th day of October, A. D. 19 45
Between John Torrio and wife Anna Torrio,

of the County of Kings in the State of New York,
part 1st of the first part, and

Hugh L. Culbreath and wife Daphne J. Culbreath, as an estate by
the entirety, whose address is: 5015 Shore Crest Drive, Tampa, Florida
of the County of Hillsborough in the State of Florida
part 1st of the second part.

Witnesseth, that the said part 1st of the first part, for and in consideration
of the sum of Ten Dollars & other good & valuable considerations, to
them in hand paid by the said part 1st of the second part, the receipt
whereof is hereby acknowledged, have granted, bargained and sold to the
said part 1st of the second part, their heirs and assigns
forever, the following described land, situate, lying and being in the County of
Pinellas, State of Florida, to wit:

All that certain water lot or lands lying east of Block "D"
of Phillip's Subdivision of Pass-a-Grille, Florida, according
to a plat thereof as recorded in plat book 3, page 38 and plat
book 4, page 26 of the public records of Pinellas County,
Florida, less the north sixty-six feet (66 ft.) thereof, to-
gether with all riparian rights thereto incident or appertain-
ing; said Block "D" being also known as Washington Park; said
tract of land hereby conveyed being also described as follows:

Beginning at the northeast corner of Mangrove Street
and Florida Avenue as shown on the map or plat of Phillip's
Subdivision of Pass-a-Grille City as recorded in plat book 3,
page 38 and plat book 4, page 26 of the public records of
Pinellas County, Florida, run thence north along the east line
of Florida Avenue 200.65 feet to a point; run thence east to
the waters of Boca Ciega Bay; run thence south along the shore
line of Boca Ciega Bay to a point in the north line of Mangrove
Street, which point is due east of the point of beginning;
run thence west on the north line of Mangrove Street to the
point of beginning, together with all riparian rights incident
or appertaining thereto.

Documentary Stamps attached to reverse side

And the said parties of the first part do hereby fully warrant the title to said
land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said part 1st of the first part have hereunto
set their hands and seal this day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Henry Schultz
George F. Smith

John Torrio
Anna Torrio



STATE OF FLORIDA,

County of Pinellas:

I, William Crawford, clerk of the circuit court in and for said State and county, do hereby certify that as such clerk I have custody of and am the officer having charge of the records of said court and that the above and foregoing is a true and correct copy of deed, John Torrio and wife, Anna Torrio, parties of first part, and Hugh L. Culbreath and wife, Daphne J. Culbreath, as an estate by the entireties, parties of second part, as filed in this office on the 30th day of October A. D. 1945, and recorded in deed record No. 1034, page No. 183, public records of Pinellas County, Fla.

In witness whereof, I have hereunto set my hand and affixed my official seal this the 31st day of July A. D. 1950.

[SEAL]

WILLIAM CRAWFORD,
Clerk of the Circuit Court, Pinellas County, Fla.
By LOIS SUTTON,
Deputy Clerk.

EXHIBIT No. 13

STATEMENT OF HUGH L. CULBREATH, SHERIFF OF HILLSBORO COUNTY,
TAMPA, FLA.

To the special United States Senate Committee To Investigate Organized Crime in Interstate Commerce.

To Senator Estes Kefauver, chairman, and the other honorable members of the committee.

Supplementing my telegram to this committee of February 14, 1951, in answer to the committee's telegram to me of February 13, 1951, calling me to this hearing, I desire at the outset to express my appreciation to the full committee for providing me with this opportunity to again appear before the committee and give to the committee the true facts concerning the false, reckless, and, in some instances, malicious charges made by some of the witnesses against me at the recent subcommittee hearing in Tampa last December. I had been assured from the published statements of the chairman that I would be given this opportunity, and I am grateful for such privilege being now accorded me.

With respect to my administration as sheriff of Hillsborough County, Fla., I would like, to begin with, to give this committee a brief outline of my official background. From the first part of 1933 to January 1941 I was constable for two 4-year consecutive terms in the most populous district in Hillsborough County, Fla., wherein Tampa is located. Under Florida law such office of constable was not a full-time office, and I pursued my former vocation as a salesman and representative of various national meat packing concerns. My compensation as constable was based upon fees from the office, not salary. After being elected and serving the two 4-year terms as constable I ran for sheriff of Hillsborough County, Fla., in 1940, was elected, and took office in January 1941. Thereafter, I was reelected in 1944 and again in 1948, all for 4-year terms. My present term expires in January 1953. Sheriffs in our State are elected for a term of 4 years and are eligible to succeed themselves indefinitely. I am the only sheriff in the past 54 years in my county to be reelected to succeed himself, and am the only sheriff in the history of my county to be elected for three successive terms.

During my tenure as sheriff of Hillsborough County, Fla., my county has been singularly free of any form of gambling, except what is locally known as bolita or Cuba. No gambling houses, clubs, casinos, or other similar establishments have existed, although prior to my being sheriff there were many such houses reportedly in operation, during regimes of many previous sheriffs. The absence of such gambling houses during my time as sheriff will, I believe, be conceded by all concerned, be they friend or foe.

Cuba or bolita is a variation of the old numbers game. It supposedly derives from the Latin countries, and, as you may know, we have a quite substantial Latin population in and around Tampa. I make no claim that bolita or Cuba is now, or has ever been, suppressed in my county. On the other hand, I do say that while I have been sheriff there has been less bolita or Cuba operations in my county than at any time previous to my being sheriff. Furthermore, and what I particularly want to emphasize, is that what bolita peddling there has been has been strictly local, with no known ties with any similar or allied element of other cities, other counties, other States, or other countries. My strongest

support for this statement is that, during my almost 20 years' tenure as a chief law-enforcement officer in my county there has never been any accusation to the contrary, even by my most ruthless political opponents. When I have herein-before mentioned Cuba, I want it understood I was not referring to the Cuban national lottery tickets which are sold in Cuba and some of which sometimes get to the States. There has been no Cuban national lottery tickets in Tampa, so far as my knowledge or information goes, since long before I took office originally as constable. The word "Cuba" as used in this connection in Tampa is a loosely coined term to describe a form of bolita or numbers game.

Bolita or Cuba is a form of gambling difficult to contend with from a law-enforcement standpoint, even when operated strictly locally. State laws of Florida governing arrests, searches, and seizures, etc., are very liberal and favorable to the citizen, which, of course, includes suspected persons and even those we know in our own minds are peddling bolita. There has been considerable agitation in Florida over the past year or so to strengthen State statutes at the next legislature, convening in 1951, so as to make it less difficult for law-enforcement officials to successfully arrest and convict gambling operators. Furthermore, indications are, judging from reports of arrests and searches of suspects made by deputies of my department, that local bolita transactions, even though carried on surreptitiously, are done without any visible or tangible evidence, usually by word of mouth.

By all the foregoing I mean to say that the only gambling now carried on in Tampa is bolita or Cuba and that even that, although it does exist surreptitiously, is not widespread and is strictly local with no outside or foreign connections so far as is known, and the extent of it, even locally, is relatively small.

As for traffic in narcotics, which of course is a Federal offense punishable in the Federal courts when interstate or foreign aspects are involved, I can only say that, from my knowledge of the situation, Tampa and Hillsborough County, Fla., are freer today of the narcotic evil than at any time in history. In fact, Mr. A. P. Rogers, formerly in charge of local Federal narcotic enforcement, and recognized as one of the ablest narcotic agents in the country, was transferred from Tampa several years ago to another headquarters, and I believe the Federal enforcement locally has been handled out of the Jacksonville office since that time. We have a State narcotic law but the enforcement of the State law is handled largely by the State board of health, which has its headquarters in Jacksonville, Fla., and even the local agents I believe work out of the Jacksonville office. We have no particular local problems in the field of narcotic traffic. Counterfeiting is also locally at an absolute minimum. All of this can be quite easily substantiated by this committee checking with the Federal law-enforcement authorities in Florida.

All of the foregoing with reference to diminishing conditions of local gambling in my county is abundantly supported by the public record, by periodic investigation by public official bodies, such as our local grand jury, our local county solicitor, who has the same inquisitorial and investigative power and authority as our local grand jury as to all crimes less than capital, including gambling, by privately constituted committees of public-spirited citizens, such as our local ministerial committee, by the open public speaking platform and radio and newspaper outlets afforded and utilized by all rival candidates and supporters thereof during political elections every 4 years, and in various other ways, and the result of such investigations, during my tenure in office, has been to establish the fact of a constantly diminishing extent of gambling operations in my county.

For instance, I file with the committee herewith, and as a part of this statement, an original copy of the issue of the Tampa Daily Times of Friday, April 1, 1949, containing in full the official Hillsborough County grand jury's report that day returned and filed in the office of the clerk of the circuit court for Hillsborough County, Fla., which contained the grand jury's report to the people of the reported gambling situation and gambling conditions in Hillsborough County, Fla., and the political activities and efforts on the part of certain disgruntled and discredited local politicians to bring about my removal as sheriff by the Governor of Florida under his constitutional powers of suspension. Said grand jury report was lengthy and somewhat in detail and covered the entire political and so-called gambling situation in my county and was drawn up and returned by said grand jury after months of official investigation by its 18 members drawn from the body of the county. This April 1949 grand-jury report is not the only one in that vein, but merely one of several during my terms as sheriff, and is illustrative of all, and in fact, said April 1949 grand-jury report expressly calls attention to other similar grand-jury reports. I will not attempt

to give any elaborate résumé of that report, but will suffice to call this committee's attention to one excerpt therefrom as corroborating what I have previously herein said about gambling conditions in my county during my time as sheriff being at a minimum. I quote from the April 1949 grand-jury report (p. 10, column 2, Tampa Daily Times, issue of Friday, April 1, 1949, filed herewith as exhibit 1, and made a part hereof):

"We find that conditions with relation to gambling during the forties have certainly been a great improvement over the thirties. This is evidenced by reference to the grand-jury reports mentioned, and others, and by the fact that there has been only one killing, which might be called a gang killing, in more than 8 years. It is, also, clear from witnesses appearing before us and from our general knowledge that conditions since December 1948 have been an improvement over the previous several years, and that for the past several months commercialized gambling has definitely been at a true minimum."

Furthermore, during October and November 1947 a privately constituted and privately appointed citizens' committee or ministerial committee, as it was also called, investigated local gambling conditions in my county in response to various urgings, rumors, and hearsay peddled and bruited about surreptitiously in my county (which incidentally has been going on in my county as long as I can remember since long before I was ever constable or sheriff). I had nothing to do with the composition of said citizens' committee, or how it operated, how it made its investigations, and certainly imposed no obstacle or impediment in its path. On December 5, 1947, said citizens' committee made its official report, which was contained in the issue of the Tampa Daily Times of Friday, December 5, 1947, complete copy whereof is herewith attached hereto and filed with the committee as exhibit 2, and as a part of this statement. Said citizens' committee report found and declared there was less gambling in my county than, in previous years and commended the public officials, which naturally included myself, for what said committee described as "this improved condition." This report also declared that the existence of an organized syndicate for gambling purposes for my county had not been established. The committee report also commended the local law-enforcement officers, which naturally included myself, for "displaying the greatest willingness to cooperate with the committee in every way possible." Said report was signed by four Tampa ministers, three prominent Tampa church lay leaders, and the local Salvation Army captain. Their names are as follows as carried in said issue of the Tampa Daily Times of Friday, December 5, 1947, page 1, column 8: Rev. Harry H. Waller, chairman; the Rev. C. H. Matheny, secretary; the Rev. William H. Kadel; the Rev. J. Earl Sharp; Robert S. Carnes; J. G. Bedingfield; Salvation Army Capt. O. O. Ward; and James C. Handy; members.

In connection with the citizens' committee report just previously mentioned, I attach hereto and file with the committee as exhibit 3, a copy of the editorial page, page 4, of the Tampa Daily Times, of its issue of Saturday, December 6, 1947, containing said newspaper's editorial reaction to said committee report. I quote the following excerpts from said editorial:

"The final report of the citizens' committee on gambling is one that can be accepted with the *fullest confidence by the public*. The frank pronouncement by the committee that there is gambling going on, but at a *far less extent than in previous years recognized the truth*. It showed the committee refused to be misled by *exaggerated charges of syndicate gambling*.

"The committee's findings are clearly based on facts developed through *thorough and extended investigations* of their own. *The conclusions and recommendations* offered by the committee can be *highly commended for their soundness*.

"All in all, the gambling investigating committee has done a good job of *exploding the wild rumors about big time gambling operators*." [Italics mine.]

Another thorough and private investigation, wherein I also had no connection, of comparative recent date, was that made by and at the direction of the present Governor of Florida, Hon. Fuller Warren, who in the spring of 1949 sent his personal and trusted investigator, Mr. J. J. Elliott, and Mr. Ed. Garner (now deceased) into my county of Hillsborough, together with an outside prosecutor, Hon. Grady Burton, of Sebring, Fla., with a long record of many years' experience as State attorney in his Florida judicial circuit, for the purpose of thoroughly investigating the rumors and charges bandied about concerning alleged gambling activities in my county, disseminated, incidentally, by the same identical witnesses and the same identical sources, which the subcommittee heard and listened to last December in Tampa. Governor Warren wanted a thorough and impartial investigation and he got it, uninfluenced in any way by me. This in-

investigation failed to support or establish the existence of the unfounded rumors and charges made, and the result of such investigation was, to some extent, dealt with in the grand jury's aforesaid report of April 1949.

Another such public investigation made by a separate public agency, also in connection with so-called gambling activities and gambling payoffs in my county, of a comparative recent date, but prior to this subcommittee's hearings in Tampa last December, and however, concerning the same general subject matter, was that which was conducted by the county solicitor of Hillsborough County, Fla., Hon. V. R. Fisher. Under Florida law, the county solicitor of my county is in effect a 1-man grand jury as to all crimes and offenses less than capital, which, of course, includes gambling and bribery. The grand jury itself is not deprived of such authority, but it is merely granted by law to the county solicitor as coextensive with that of the grand jury in its limited field. In the early spring of 1949, a certain alleged payoff list was publicly exhibited by one P. Joseph Rodriguez, who is a member of the city board of representatives of Tampa. Alleged photostat copies thereof were widely distributed locally. The payoff list was supposed to be a leaf of paper taken from the papers and effects left by Jimmy Velasco, who was killed in Tampa on December 12, 1948. The so-called list was supposed to contain notations indicating amounts of money and other considerations given to various public officials, including myself, from time to time by Jimmy Velasco during his lifetime, supposedly for protection and favors granted to Jimmy Velasco, who was supposed to be a big figure in the alleged local gambling racket. The authenticity and, in fact, the actual genuineness, of the payoff list was a principal subject of investigation by County Solicitor Fisher and also by the county grand jury itself, each independent but simultaneous, during the early spring of 1949. On April 4, 1949, extensive and detailed public reports were given by both said grand jury and Solicitor Fisher, each independent of the other. Both said reports, however, branded said alleged payoff list as completely false, a palpable forgery and a fabrication from start to finish. Said P. Joseph Rodriguez was personally and by name accused in both official reports as being the instigator of such false documents. Shortly after these reports were made public, the Tampa City Board of Representatives officially by resolution called upon said board member P. Joseph Rodriguez to resign his position on said board of representatives because of his indefensible conduct in connection with the perpetration of said so-called payoff list. This is the same Mr. P. Joseph Rodriguez who was publicly thanked at the conclusion of this subcommittee hearing in Tampa last December for his valuable and most helpful assistance to the staff of this committee in its difficult task. I attach hereto and file with this committee issues of the Tampa Daily Times of Monday, April 4, 1949, and Wednesday, April 6, 1949, as exhibits 4 and 5, respectively, and made a part hereof, which abundantly support the statements herein made with reference to the public reports officially branding the alleged payoff list produced and distributed about by P. Joseph Rodriguez as a hoax, a fraud, and an outright forgery. The said grand jury report as contained on the first page of said issue of April 4, 1949, intimated that said Rodriguez would have been indicted and prosecuted for bribery in connection with an automobile which the grand jury stated Rodriguez had admitted that Jimmy Velasco had bought for Rodriguez during the 1948 political campaign, were it not for the fact that Rodriguez had been subpoenaed and had testified before the county solicitor concerning the same and had therefore received immunity under the Florida State law.

My experience of 8 years as constable and into my eleventh year as sheriff of my home county, has quite forcibly demonstrated to me, as I feel sure similar experiences have demonstrated to all of us, that it is manifestly impossible for a public official, particularly a chief law-enforcement officer, to be exempt or immune from false and malicious rumors, charges, hearsay and groundless accusations, from harping critics, jealous and disgruntled politicians, miscontents, malcontents, has-beens, would-bees, incompetents, opportunists, and other plain and assorted gripes and chiselers. We will always have our detractors, some violent, explosive and vituperous; others passive, subtle, and insidious. As I say, I have been no exception as the object of such abuse. On the contrary, I could well qualify as exhibit A. In my county, and in fact in my State, we take our politics seriously, and the loser sometimes is not inclined to forgive and forget. In my local community of Tampa, the Latin temperament which is present in large proportion, may to some extent be responsible for this.

This constantly rekindled fire of local political animosities has been largely, if not entirely, responsible for the grand jury investigations, citizens' committee investigations, and so forth, which, as I have hereinbefore mentioned, have been

made and conducted from time to time over the year in Hillsborough County, Fla., and such group is as persistent as it is obnoxious. Thus, this Kefauver committee, or more accurately the subcommittee of one member sitting in Tampa last December, heard testimony, adduced through the use of carefully selected and channeled questions by committee counsel from witnesses, mostly Latin, who had been previously repudiated and discredited by official public investigations, such as grand jury investigations, citizens' committee investigations, governor's investigation, and so forth. The Kefauver subcommittee heard these witnesses for the first time and they heard only the answers to carefully selected questions. But the committee heard no searching cross-examination of these witnesses, nor evidence which such witnesses would have had to give to other questions which would have brought out, in some instances, the whole truth instead of a half truth, heard no evidence which would have been given in response to other questions not asked, which, in other instances, would have brought admissions that the whole picture was fabricated; received no evidence as to the background or character of such witnesses except such as they were pleased to provide for themselves, and heard no testimony from other and reliable witnesses who would have completely and effectively disproved the false and distorted gambling picture sought to be left by such witnesses. Lastly, the committee received no evidence, at least publicly, that such witnesses and their respective testimony had been discredited and repudiated by previous inquisitorial bodies.

Illustrative of this is the reaction of the present police chief of Tampa, Malcolm C. Beasley, who stated publicly at a meeting of the Optimist Club in Tampa a few days after the subcommittee's hearing adjourned in Tampa last December, that the testimony of the witnesses before this subcommittee was merely a rehash of previous testimony given to the local grand jury and that there were no facts or evidence on which anyone could be indicted. After hearing Chief Beasley's remarks, another member of the Optimist Club present arose and identified himself as a member of the previous grand jury and he stated that the evidence before this subcommittee was the same evidence previously brought before the grand jury and that it was insufficient to indict anyone. I attach hereto and file with this committee as Exhibit 6, and made a part hereof, a clipping from page 11 of the issue of the Tampa Morning Tribune of Thursday, January 4, 1951, containing the report of said remarks made at said meeting of the Optimist Club which supports the statements herein made.

I proceed now to a denial, in as brief detail as possible, of the charges, accusations, gossips, hearsay, innuendoes, and plain false statements made against me by some of the witnesses at the Tampa hearing of this committee. Such charges have been repudiated by my testimony and the testimony of many other and prominent citizens in my community on previous occasions of public investigation as before-mentioned, but I desire to do so before this committee and by this written statement under oath for the sake of the official and permanent record of this honorable committee.

A man by the name of Noah W. Caton, testified at the Tampa hearing of this committee. He stated he installed a marine engine on a fishing boat of mine, which is true. Asked how much the motor would be worth, Caton replied in his testimony that "the new price of it would be, possibly, \$3,000." (Tr. 66.) The truth of the matter is that the motor he installed was an old second-hand motor purchased by me from Mr. Leroy Allen, prominent attorney of Tampa, for the sum of \$200. He testified we talked about going into some kind of business on the beach before the war. The truth is we never discussed any business whatever of any kind or nature before or during the war until along in 1945, when he came in my office in the Tampa courthouse and solicited my help in trying to get him out of some kind of trouble that he had apparently gotten into out at MacDill Field, a prominent air base near Tampa, where he had apparently been employed in some capacity during the war. It seems there was some kind of a cloud hanging over his head at the post and he wanted to get me to help him get it lifted. I knew of no way I could help him, and told him so, but my understanding is that in some way, whatever trouble it was, was successfully gotten out of the way. Along about that time Caton also solicited my help in trying to get into some kind of fish or water-front business over at the Gulf beaches and I did consent to help him get started and in fact advanced him some \$200 or \$300, but in the course of weeks thereafter he kept coming back for more and more money and I finally told him I just could not go along any further with him. He apparently resented the fact that I had to stop helping him. Concerning the entire transaction regarding the so-called Fish House at Pass-A-Grille, in Pinellas County, Fla., purchased from a Mr. Zekosky

(this is not the correct spelling of his name but it is the way he is referred to in previous testimony before this committee in Tampa), I believe I testified myself concerning same in Tampa, but in any event Mr. David Westcott, prominent business man in Tampa, testified fully about it during the Tampa hearing and I refer this committee to such testimony for the true picture concerning all phases of the so-called Fish House.

One, Paul Giglio, testified before this subcommittee in Tampa. He identified himself as working in the hardware business associated with one, Frank Morales, but also admitted that he had been in the bolita business beginning around 1942 (Tr. 210). He stated he sold bolita for one, Frank Pardo, whom he stated was now deceased, also for one Sam Lumia, as to whose present whereabouts he professed not to know (Tr. 211). He admitted he had been arrested some eight or ten times, but would be bailed out on bond and the bond would be estreated (Tr. 213, et seq.). He admitted he was arrested by three deputy sheriffs from my office not too long before the Tampa hearing (Tr. 219, et seq.). He testified that in 1948, while I was running for reelection, he had had a conversation with me in my office and that I told him and his brother-in-law, Frank Morales, "to go straight and be sure that we go straight," and that I had heard, "he was campaigning for the other fellow" (Tr. 222). He stated that during the second or runoff primary he switched to support me and came to my office with his brother-in-law Morales and also Mr. Cy Young, a member of the city board of representatives of Tampa, and gave me an envelope containing \$500 as a campaign contribution (Tr. 222, et seq.). I attach hereto and file with the committee as exhibit 7, sworn affidavit of Mr. A. H. Young, known as Cy Young, whom Giglio admitted was present at the time. Mr. Young's affidavit establishes the fact that the entire conversation was about politics and that nothing dishonest or illegal was discussed or mentioned by anyone. I never opened the envelope but turned it over to Mr. John Broadus, one of my deputies, who was handling the finances in my campaign. I do not know how much money was in it or if there was any at all in the envelope. Giglio stated that a few days after that he brought in another \$1,000 (Tr. 225). That is absolutely untrue. He stated my deputies began harassing him and picking on him. So far as I know this was not true. I certainly gave no orders such as that and would promptly have suppressed it if it had happened. He further testified that after the election, Jimmy Velasco told him to take an envelope containing what Jimmy said was a sum of money, to me. He referred to the envelope vaguely as rent money and referred to me as the old man (Tr. 227, et seq.). All of this is completely untrue. A careful reading of Giglio's testimony at that point will disclose he never said he ever delivered me any of such money. Insofar as my ever receiving such money or knowing anything about it, if it existed, his testimony is absolutely untrue. As to any meetings between Giglio and any other bolita peddlers, I know nothing about same and have serious doubts it ever happened (Tr. 231). As to Giglio's testimony with reference to protection and connections of certain unnamed bolita operators (except Jimmy Velasco, now deceased), with the mayor, the chief of police and myself as sheriff, I can say as far as I am concerned, and as far as my knowledge goes, there was no truth whatever in such statements, and I respectfully call this committee's attention to his testimony in such regard, which shows it was based entirely upon hearsay, rumors, and suppositions, and no names mentioned except Jimmy Velasco, who is now dead (Tr. 236, et seq.). The only payments testified to by Giglio before this committee in Tampa as having been made by him to me was one payment of \$500 and another payment of \$1,000. The \$500 payment was what was supposed to have been in the campaign contribution envelope the contents of which I never saw, and the \$1,000 payment simply never existed, it was a complete fabrication (Tr. 239).

Mr. G. C. Clarkson, one of my former deputies, testified at the Tampa hearing (Tr. 240, et seq.). He was one of my clerks at the county jail for 2 or 3 years but I had to discharge him in 1948, almost 4 years ago. His work had been getting rather unsatisfactory and I was thinking of letting him go, but the immediate thing that brought about his discharge was that I found out he had a hook-up with one of my former deputies, J. M. Richburg, but who had since resigned and was in the bail-bond business. The hook-up between them was that Clarkson would try to get prisoners, as they were brought in, to pay Richburg for a bail bond to get released from custody. Then Richburg would divide his fees 50-50 with Clarkson. I investigated, found it to be true, then called both Clarkson and Richburg into my office. They both denied it at the time, but I

already knew it was true and their denials were such as to confirm what I already knew. I immediately fired Clarkson. Later Richburg voluntarily came to me and admitted the whole thing. I have never tolerated a bail-bond racket around the county jail and all of my jailers and deputies know it. I made Richburg promise me he would carry on his bond business the same as all the other licensed bondsmen in Tampa, on a strictly legitimate manner. Richburg has voluntarily made a sworn affidavit confirming what I say here, which affidavit I attach hereto and file with this committee as exhibit 8, and make the same a part thereof. Clarkson has been mad at me ever since I fired him. His testimony before this subcommittee in Tampa was practically entirely based upon hearsay, rumors, and suppositions as shown upon its face (Tr. 242, et seq.). He was asked about the so-called Briggs & Co. in the criminal department at the jail, and he plainly stated to this committee, "Personally, I don't know anything about Briggs & Co. myself" (Tr. 242). In my testimony in Tampa I fully explained in detail what was meant by Briggs & Co. and there is no semblance of anything incriminating about it (Tr. 470). Clarkson's testimony about so-called gamblers being brought in and the manner in which they were booked at the jail, shows on its face to be based upon hearsay, and insofar as there being any systematic or intentional departure from the manner of booking prisoners ordinarily, it was not so. A portion of Clarkson's testimony in Tampa is significant as throwing light upon his utter lack of knowledge of anything incriminating and also as to the manner in which he was interrogated by Committee Counsel Rice. Clarkson was asked if he knew anything about Paul Giglio having brought an envelope to the county jail during the spring, 1948, primaries. He stated he knew only what Giglio had told him. Then he was asked about anyone else bringing any envelope or money to the jail and he replied (Tr. 253):

"Mr. CLARKSON. No, I don't recall anyone else. I never talked with anybody else. That's just hearsay as far as I am concerned. I don't know, because their office is on one side and ours is here. There is a wall between, so I never came in contact over there.

"Mr. RICE. So if the envelopes were laid on the desk you wouldn't be in a position to see it?

"Mr. CLARKSON. No, I didn't—I wouldn't.

"Mr. RICE. It *could* happen, couldn't it?

"Mr. CLARKSON. Well, I would say it could happen.

"Mr. RICE. Do you *think* it did?

"Mr. CLARKSON. I don't know."

(Italics mine.)

One Antonio Deschants (whose correct name I understand is Deschamps), testified (Tr. 539, et seq.) that he was a cousin of Jimmy Velasco and worked for Velasco as a chauffeur and bolita checker. His testimony, insofar as it affected anyone else except Jimmy Velasco, was entirely hearsay and what is worse, hearsay based upon what he was told, or what he "understood" from Jimmy Velasco, who is now deceased. He testified that Velasco once, in a drunken moment, mentioned something about having to pay off even when he lost, and he also mentioned something about a supposed check-in or check-out list which he stated he understood referred to myself, State Attorney Farrow and Chief of Police Eddings. Asked with reference to the markings which committee counsel was trying to get him to say referred to me, he replied: "I cannot say for sure. From what I heard that was the sheriff" (Tr. 546). He testified he drove Velasco two or three times around to Mayor Hixon's house (Tr. 552). This was the sum and substance of his testimony. So far as his testimony goes he has never seen me, talked with me, heard me say or do anything, or had any transaction with me or even been in my presence in his life. Personally I would not know Deschants if I were to see him now, unless I should recognize him as someone I had seen perhaps on the street in Tampa, maybe in passing, without even knowing his name or anything about him. Of course, I have no way of knowing what he truthfully "heard" or truthfully "understood" or in fact "imagined," but I can say that insofar as having anything to do with the fact of payoffs or protection money, as strenuously inferred by committee counsel, the same is untrue, at least so far as I am concerned or so far as my knowledge extends.

One Mario Lounders, who testified at the Tampa hearing that he was another cousin of Jimmy Velasco and helped him sometimes by driving him around as an accommodation (Tr. 553, et seq.), stated that on a few occasions he would drive Velasco by the county jail, that Velasco would have some envelopes with him; that Velasco would go into the jail and later come out and they would

proceed someplace else. Similar visits, he said, were made by the home of Chief Eddings, and on other occasions at the office of the State Attorney, Farrior, in the Tampa Theater Building (Tr. 556, et seq.). The witness said he would always stay in the car parked outside on the street while Velasco would go in and come back out. He never saw what was in the envelopes. The witness himself never went into any of the places nor otherwise left the car (Tr. 556, et seq.). He said that Velasco told him he was paying protection money to me as sheriff, also to Chief Eddings (Tr. 558, et seq.). Under questioning by Senator Hunt, Lounders admitted he had never even seen any money placed in the envelopes or how the envelopes were prepared before they were delivered, nor did Velasco ever leave any envelope with Lounders (Tr. 560-561). The witness admitted to Senator Hunt that he did not believe either I or Mr. Farrior or Mr. Eddings even knew him (Tr. 561). That was the extent of Lounders' testimony. It is practically all merely surmise on his part, but whatever facts he might have been referring to was based entirely upon hearsay derived from a man now deceased, Jimmy Velasco. Personally I have never known Lounders and so far as I know have never seen the man in my life. There was certainly not a word of truth as to any payoffs so far as I am concerned or my knowledge goes.

I understand that both Dugan and Lounders have testified before the Hillsborough County grand jury or before State Attorney Farrior, or maybe both, and have denied any knowledge whatever of the very things they presumed to testify to before this subcommittee in Tampa by hearsay. State Attorney Farrior, however, would be able to be more positive as to this.

One Oscar J. Perez testified at the Tampa hearing (Tr. 563, et seq.) that he was Jimmy Velasco's private chauffeur for about 3 years; that he drove Velasco "every place that he went" with the exception of when they had to go home to eat (Tr. 564). He was asked by committee counsel to describe the members of the so-called gambling syndicate, if he knew them, and he replied: "Well, to the best of my knowledge, the members of the syndicate, as I understand it—of course, I may be wrong—" (Tr. 566). He then gave names based upon rumors, one of whom was Jimmy Velasco. Later in referring to the supposed gambling higher-ups, in the course of his remarks he stated, "and he told me—now, I can't personally vouch for this, because I don't know—I am just telling you what someone else related to me—" (Tr. 567-568). In his third and fourth answer immediately following, also in referring to the so-called higher-ups, he used the words "I guess" twice (Tr. 568), and in the second and third answers immediately following that he also used the words "I guess" twice (Tr. 568-569). Shortly thereafter he was asked about how the gambling protection worked and he started off by saying, "Well, the way I think it worked was this way * * *." Perez stated he had driven Velasco on occasions to my sheriff's office, but whatever transactions were had therein, Velasco would have them all, that he, Perez, "was just merely acting as the chauffeur" (Tr. 571). He stated that Velasco on occasions would have some envelopes but would not say he had ever seen what went into the envelopes (Tr. 571). He also testified that he would drive Velasco by Chief Eddings' home and Velasco would go in for a while visiting with Chief Eddings while Perez would wait in the car (Tr. 573, et seq.). He also stated he had driven Velasco by Mr. Farrior's office building, but would never go with Velasco any further than the elevator (Tr. 578). The witness stated he had likewise driven Velasco around by Mayor Hixon's house on several occasions, but as in the other instances, what took place inside, the witness did not know (Tr. 580). With respect to Oscar J. Perez and his testimony, I can say that I know Oscar Perez. He is the son-in-law of a very good Latin friend of mine of many years ago, Fred Aguierre, now deceased. I do not remember ever having any transaction of any kind with Perez in my life. I don't remember ever having talked with him on more than just a few occasions and then it would probably be around some of the polling precincts on election day for a minute or two and then probably in a group. As to there having been any pay-off or arrangement or understanding between me and Jimmy Velasco, or between me and anyone else, it is absolutely untrue, and his testimony shows it was based upon suppositions and hearsay from a person deceased.

One J. H. Dugan, Jr., testified that he was a former deputy of mine for 2 years, from '46 to '48. He stated he resigned, which is true. He stated he was instructed by my chief deputy at that time, Neil Keen, not to make any gambling or any vice arrests (Tr. 599). I cannot say what Keen may have told him outside of my presence, but if he gave him any such instruction it was absolutely without my authorization, without my knowledge, without my consent and positively contrary to my orders to all my deputies, which was to at all times arrest anyone

whom they knew was violating any State law. In my sheriff's office, as in all law-enforcement offices, especially in large cities, we have various divisions or details, such as the homicide squad, a theft squad, a traffic detail and invariably there is what is known as the vice squad. Men are usually specially trained and chosen for these particular somewhat specialized, assignments. Federal law-enforcement circles are universally patterned in this fashion. Naturally the men assigned to these various specialized details look largely for violations of the respective offense or offenses coming within their particular field. It may possibly be that my chief deputy would tell any rank and file deputy not to concentrate particularly upon offenders coming within any of the specific classes as to which specific details or squads are formed. However, I certainly never gave him any such instructions to say that and it was contrary to my specific orders. I might also mention that my then chief deputy, Mr. Keen, was dismissed by me at or about the same time witness Dugan resigned, in June 1948. Dugan testified he was told by another former deputy of mine, Ted Glover, that one Trafficante had been arrested by Glover and Glover had been reprimanded by me for making the arrest, because Trafficante was my personal friend (Tr. 600, et seq.). Witness Dugan knew nothing about it of his own knowledge (Tr. 601). Ted Glover did not testify. I made no such reprimand whatever and so far as my office of sheriff is concerned, a person is arrested if he violates the law, and is not arrested so long as he abides by the law, whether he is my friend or my enemy, in either event. Such is the extent of Dugan's testimony insofar as it pertained to me in any way.

The foregoing is a brief, but fair, résumé of the testimony of any and all witnesses before the subcommittee in Tampa, by whom I was sought to be involved in gambling or pay-off or protection activities in Tampa. The foregoing contains also briefly my observations and comments thereon. I could, of course, enlarge and expand in each instance. But it all goes back to just what the present chief of police of Tampa, Chief Beasley, and the other gentlemen at the Optimist Club said a few days after the subcommittee left Tampa last December, as hereinbefore narrated. It is the same hearsay, the same gossip, the same rumors, the same vague charges based upon suppositions, made by the same disgruntled or dissatisfied or discredited persons who have been listened to before and before and whose stories have been discarded and repudiated. As stated by the Citizens' or Ministerial Committee in its report (see Exhibit 2):

"There is gambling in Tampa. No official denied this. The large number of arrests by both county and city officers is sufficient proof. It is the sincere belief of the committee, however, that there is less gambling than in other years. Many prominent and long time residents of Tampa concur in this belief. The committee wishes to commend the public officials for this improved condition. The committee has not established the existence of an organized syndicate * * *"

I attach herewith and file with the committee, as exhibit 9, and as a part hereof, a clipping from the Tampa Morning Tribune of its issue of December 7, 1947, page 1, containing the Citizens' Committee report, and which amplifies the contents of exhibit 2.

With reference to the gambling arrests mentioned in the Citizens' Committee report, and in closing this statement, I might mention that I have had the dockets at the Hillsborough County jail checked as to gambling arrests and prosecutions during the 8 years I have been actively sheriff (2 of the 10 years I was in the U. S. Army), and also the 8 years just previous thereto under preceding sheriffs. These records and dockets show that in the 8 years prior to my becoming sheriff, the sheriff's office made 32 gambling cases which resulted in prosecution for gambling violations in our criminal court of record. During my 8 years' active service as sheriff, those records show that there were 199 gambling cases made by the sheriff's office, which resulted in actual prosecution in said court. This is six and one-third times as many as during the comparable previous period under other sheriffs. This does not take into account the great volume of gambling arrests, probably running well into the thousands, which during my time as sheriff did not result in actual prosecution in court, but were either dismissed or the bonds allowed to be estreated. Such disposition of these cases, however, was entirely out of my jurisdiction. I had nothing to do with whether a bond was estreated or not, or whether the case was dismissed at preliminary hearing before the local justice of the peace or county judge. I had no jurisdiction even to fix the amount of an appearance bond; this is fixed by the court. I have only the authority, through my deputies,

to make the arrests and then to approve the bond as to legal sufficiency after the amount has been fixed and the bond presented.

I wish to again thank the full committee for this privilege of appearing here and of filing and submitting this statement in my own behalf.

HUGH L. CULBREATH,
Sheriff of Hillsborough County, Fla.

STATE OF FLORIDA,
County of Hillsborough:

Before me, the undersigned authority, personally appeared Hugh L. Culbreath, who being by me first duly sworn, deposes and says, that he is the person named in the foregoing statement contained on pages 1 to 27, inclusive, and deponent says he has read the contents of each and every page, knows personally of the matters and things therein mentioned, and that the facts and statements therein made are true.

HUGH L. CULBREATH.

Sworn to and subscribed before me at Tampa, Hillsborough County, Fla., this 16th day of February A. D. 1951.

[SEAL]

MARIE ALLARD,
Notary Public.

My commission expires October 15, 1952.

EXHIBIT No. 14

OFFICE OF STATE ATTORNEY,
Tampa, Fla., February 15, 1951.

HON. ESTES KEFAUVER,
*Chairman, Senate Committee To Investigate Organized
Crime in Interstate Commerce,
Washington, D. C.*

DEAR SIR: Pursuant to your very fair, public statement, made several weeks ago, that all witnesses who were subpoenaed to attend the hearing of your subcommittee in Tampa on December 30 and 31, 1950, who desired to be heard would be given an opportunity at a later date, either in Tampa, or in Washington. I received your telegram, about 4:30 p. m., Tuesday, February 13, advising me of the hearing in Washington at 10 a. m., Friday, February 16, 1951. I promptly stated, publicly, that I had decided 2 or 3 weeks ago to file with you a written statement specifically answering the statements of the three witnesses who mentioned my name at the Tampa hearing. I publicly expressed my appreciation to you and your committee for giving me an opportunity to make my answer a matter of record.

At the time your telegram was received I was in the midst of preparing a brief in probably the most important civil case I now have, which is to be argued on February 21, 1951, on or before which date the brief must be filed before the Florida Railroad and Public Utilities Commission. We received notice only on February 10 that this date was moved up to February 21. Because of other factors, with the details of which I shall not burden you, it was impossible for me to delegate my personal efforts in this case to someone else, although another member of my firm is assisting me, nor could the case be postponed without probable serious prejudice to our client. While I have been able to shift some of my other appointments, I regret to find that it is impossible for me to be present personally at this time, as I would have liked.

I am enclosing, by air mail, special delivery, a sworn statement, which I respectfully ask that you place in the Tampa file.

Again I thank you for your fairness in permitting me to file and record this statement. If there are any further questions I will be glad to answer them, under oath, or appear personally before this honorable committee at any date after February 22, 1951, at your pleasure. I assume that it will be proper, after you have taken up the Tampa matter and received my statement, to release a copy of it to the press.

Respectfully,

J. REX FARRIOR.

AFFIDAVIT OF J. REX FARRIOR

STATE OF FLORIDA,

County of Hillsborough:

Before me, the undersigned authority, personally appeared J. Rex Farrior, to me well known, who first being duly sworn, deposes and says:

1. That this affidavit is being made in order that it may be filed with the United States Senate Committee to Investigate Organized Crime in Interstate Commerce, at its committee hearing room, 900 HOLC Building, First and Indiana Avenue NW., Washington, D. C., on Friday, February 16, 1951.

2. *Personal history.*—I was born in Chipley, Fla., am 54 years of age, and have lived in Florida all of my life; attended public schools in Chipley and Tampa, Fla., receiving an A. B. degree from the University of Florida in 1916, where I also took 2 years postgraduate work and a 3-year law course, entering the practice of law in Tampa, Fla., in June 1924. I paid my own way through 5 years of college at the university, by playing professional baseball in the summers, teaching school and coaching all branches of athletics in the high schools at Chipley, Pensacola, and in Gainesville, Fla., and at the University of Florida. By work and economy, I had saved about \$2,500 in cash at the time I started the practice of law. I also owned a brick store and a one-half interest in the fee to the home place in Chipley, which had been given to me by my parents, Dr. and Mrs. J. R. Farrior, and I owned a small house which I had bought from my oldest brother in 1919 for \$1,000. The value of that real estate was then about as much as the cost of all of the real estate I now own, consisting of my home, bought in 1938, and a one-half interest in a vacant lot, acquired in 1930. I did own a one-fourth interest in some vacant lots, which were sold later, in 1949, and the proceeds spent in improving my home.

I have been practicing law with the same firm (Shackleford, Farrior, Shannon & Stallings), in Tampa, for 27 years, and have been a senior member of that firm for many years. I have been State attorney since July 11, 1933, and active throughout in fraternal and civic affairs. While I have given preferred attention to the duties of State attorney, and have spent much time in civic and fraternal affairs, I have always had an active practice in civil law. The interest in my firm, a few bonds, mostly Series E, acquired over a period of 12 years, beginning in 1939, one 1940 model and one 1947 model automobile, three small mortgages, totaling about \$1,500, approximately \$500 in a bank account, and my life insurance, complete my worldly possessions. They are offset by one loan of \$400 on an insurance policy, another loan to a Tampa bank for \$3,000, and miscellaneous accounts payable of about \$1,500. All of the insurance on my life was issued between 1922 and 1942, except one policy for \$2,000, issued in March 1947.

I can establish, by the public records of this county, that over the past 18 years I have contributed about as much to the advance of honest elections and the improvement of local government, as any other one person.

3. I appreciate this opportunity to answer the testimony of all of the witnesses who mentioned my name before this honorable committee at a hearing held in Tampa, Fla., on December 29 and 30, 1950. In answering, I deem it proper to state clearly my jurisdiction and that of our criminal courts.

4. As State attorney of the Thirteenth Judicial Circuit of the State of Florida, for the County of Hillsborough, I have no power or authority to make any arrest for any crime, and no power or authority to prosecute any charge of gambling or any other criminal offense, except the three capital offenses. It is my duty to represent the State in all cases in the circuit court, which has jurisdiction of no criminal offenses except the capital offenses, for which the punishment may be death. Gambling cases and all other criminal cases, except the three capital offenses, murder, rape and kidnaping for ransom, must be tried in the criminal court of record, on information filed by the county solicitor, based on evidence before him or one of his assistants. As the State attorney, I have only one Assistant and no investigator, and no funds with which to procure one. The grand jury must investigate all capital cases since, under our constitution, no person can be tried on such a case except upon the indictment of a grand jury. There are other officers of this county charged with investigation, arrest and prosecution of all other offenses. However, the grand jury may investigate any other matter, other than capital offenses, if, in their opinion, the welfare of the county warrants the duplication of effort and expense. The grand jury, for whom the State attorney is the legal adviser, and who assists in questioning the witnesses and prepares true bills, has no investigator. The grand jury must depend largely upon the police, deputy sheriffs and constables, who

are charged with the direct responsibility for the investigation of and the arrest for the violation of all criminal laws. Any indictment which might be returned by the grand jury for any offense less than the capital offenses, must be certified by the clerk of the circuit court to the clerk of the criminal court of record, who calls it to the attention of the county solicitor. The county solicitor must then call before him for examination under oath, sufficient witnesses to determine if, in his discretion, the evidence supports the charge, in which event he may then file an information in the criminal court of record for trial. Such trial can be had only on an information filed by the county solicitor, and cannot be tried on an indictment by a grand jury. Ever since I have been in office, I have asked the sheriff's office, the police and the constables, to call the State attorney's office immediately upon the report of a crime which might develop into a capital offense, the only offense which it would be my duty to prosecute. Under the division of our working hours, my assistant answers the call if he is available and, if not, I answer it, recording the testimony by a court reporter, of all witnesses located by the investigating officer, immediately after the occurrence of the alleged crime. I have maintained a file of every case which I have handled since coming into office and these files are open for inspection to anyone for a good purpose.

Under the law, I have nothing to say about the selection or appointment of my assistant. My present assistant was selected and appointed in April 1947, at the instigation of our then State senator, who is my bitter political enemy. He was one of my opponents in the 1948 election and is still politically opposed to me. Although he has law offices associated with that former State senator, my present assistant has worked hard and has done a good job on all assignments. He was present with the grand jury during a gambling investigation in the spring of 1948, and a second one in the spring of 1949, and is in a position to know that the State attorney's office has been operated honestly.

5. From October 1928 to November 1935, this county had five different persons to serve as sheriff. Since I have been State attorney, there have been three sheriffs, and six county solicitors. Out of all of these persons, only one, who indeed was an outstanding person, was replaced because of death. Some of the rest of the men were allegedly "politically crucified." Considerable effort has been made for a number of years to politically crucify me.

6. The three witnesses who mentioned my name before the committee hearing here in Tampa, on December 29 and 30, 1950, are all cousins of James Velasco, belonging to a group headed by one P. Joseph Rodriguez, who produced these witnesses for that hearing.

In the spring of 1949, an alleged "pay-off list" was circulated by one P. Joseph Rodriguez, on which the letters "Rex ???" appeared, but with nothing else thereon which could possibly be contended as referring to me, if that did. This alleged list was thoroughly investigated by the county solicitor's office, and found and publicly recorded to be a fraud. It was also thoroughly investigated by the grand jury and found to have been a fraud perpetrated by P. Joseph Rodriguez, as a "political hoax." This grand jury report of 21 pages was recorded on April 4, 1949, in Minute Book 97, page 463, in the office of the clerk of the circuit court. In the summer of 1949, a thorough, meticulous and rigorous investigation was made into my financial affairs, by the Bureau of Internal Revenue. This investigation established that I had reported all income, and had paid the proper taxes thereon, and that every penny of the income reported was from legitimate business and professional sources. My entire assets as of December 31, 1944, and as of December 31, 1947, were listed and no change whatsoever was required for the three intervening years.

One thing is certain. If I had been either selfish or dishonest, I would have been rich.

7. *Answer to the three witnesses who mentioned my name before the hearing in Tampa, Fla., on December 30, 1950.*—(1) Mario Loundres, now living at 721 Southeast Sixth Place, Hialeah, Fla. I have never in my life, seen or talked to this man at any time and do not know him at all. In fact, I never heard of his name before, so far as I can recall. He testified before this committee in Tampa (p. 554 of the transcript of the proceedings):

"Q. Did you work for Jimmie Velasco?"

"A. No, sir. I helped sometimes, he was my cousin."

A fair analysis of his testimony establishes that he knew little or nothing about the affairs of Jimmie Velasco (bottom p. 554):

"Q. What did you help him do?"

"A. I drove him around sometimes. I took him around sometimes, when he used to call me at the house to take him around.

"Q. And you drove him around?

"A. A few times, I did."

Again at the top of page 555:

"Q. He was a bolita peddler, was he not?

"A. He was."

No charge was ever made by anyone else that Jimmie Velasco was a bolita peddler.

The vagueness and generality of the following answer indicates that he had been coached in generalities (top p. 555):

"Q. Now tell us about his arrangements for protection from law enforcement.

"A. Well, a few times that I took him—he told me to take him out in the nighttime to take some money in an envelope, and I asked him a few times what it was about, what he had in the envelope, and he told me——"

After an interruption and further questions, this witness then said that he took Jimmie Velasco to a certain place (not to me or any place of mine) and said "so I stayed outside all the time and when he came out, then we went somewhere else when he came out."

He then testified (p. 556) that he couldn't see if anything was written on the envelope, that it was night:

"Q. Was anything written on it?

"A. I couldn't see it at night if it had anything written on it."

He then said he went to another place (not to me), which he did not enter, therefore, could not say what occurred inside of that place (which place was not mine).

Reference to the underscored answer above, shows the statement to be that Jimmie Velasco told him a few times "to take him out in the nighttime."

He had not mentioned my name even by implication up to this time, when he was then asked (p. 557):

"Q. And who else?

"A. Well, Rex Farrior. That was in the daytime with Rex Farrior most of the time. I took him over in the daytime to the Tampa Theatre Building.

"Q. He would go in the Tampa Theatre Building?

"A. I would leave him over there at the entrance of the Tampa Theatre Building and I would go and park, sometimes I would go around the block a couple of times, and he would come out."

Then in response to the leading question:

"Q. And did he take an envelope there?"

he gave the answer:

"A. Yes, sir."

A most pertinent question was then asked Mario Loundres (p. 560):

"Senator HUNT. Did you ever see this envelope prepared before they were delivered? Did you ever see the money placed in the envelope?

"Mr. LOUNDRES. No, sir; I did not."

The witness testified that Jimmie Velasco never did leave any envelope with him. He stated that he did not believe that I, or any other persons who were mentioned, knew him. He did not testify that he ever went even to the elevator entrance, but that he only drove by the street entrance and off to park or ride around the block two or three times.

As a further example of the vagueness and uncertainty of this witness, indicative of false testimony and his understanding of how I might have participated, we find at page 562:

"Q. What was your understanding?

"Mr. LOUNDRES. That is what I think. It looks like to me if it varies from \$500 to \$2,000, it should be that.

"Q. Did Jimmie tell you that?

"A. No; he didn't."

The Tampa Theater Building is a 10-story building, occupied by many different types of business, professional men and women, including doctors, dentists, lawyers, several insurance companies and finance companies. The offices of my firm on the seventh floor are occupied by 12 lawyers and secretaries, and have been so occupied by that many persons, or more, for about 25 years, with a large reception room, a receptionist and many people coming in and out. Furthermore, I have no recollection of his being in my office in 6 or 7 years, although it is barely possible that he might have been there two or three times during the past 6 or 7 years.

However, I state positively, under oath, that Jimmie Velasco never gave me any money in an envelope, or otherwise, for any purpose whatsoever.

(2) Oscar Perez, who testified that he was a cousin of Jimmie Velasco, and that he has been residing on Fifty-sixth Street in Miami for "a little better than 3 years," prior to December 30, 1950. This witness was subpoenaed before Hon. Fred T. Saussy, Jr., assistant State attorney, and questioned under oath in my absence, on December 16, 1948, at which time he said that he was with Jimmie Velasco and others during the Sunday afternoon of December 12, 1948, shortly before Jimmie Velasco was killed. He testified definitely, however, that he had no knowledge of Jimmie Velasco's personal affairs, and stated that Jimmie Velasco did not tell him his business. (Bottom p. 75, transcript, court reporter, December 16, 1948.)

I do not place this man, although the name Oscar Perez is not unusual in Tampa. I do not recall ever seeing him at any time, unless it was at some social function at one of our several Latin clubs. This witness was not sure of the section, and did not know the street on which I live. He said (p. 578) :

"Well, I have taken Jimmie, on several occasions, to Mr. Farrior's home."

He also said:

"I have also taken Jimmie Velasco to the Tampa Theater Building and went as far as the elevator with him, and from then on, Jimmie went on in to the office, and what the transactions were that were taking place, or going on in there, I didn't hear them."

As I stated before, my office is on the seventh floor of the Tampa Theater Building, which is a 10-story building. The elevator is on the ground floor.

He did not even claim that he ever came with Jimmie Velasco to my office or in my home, or that he had ever taken anything, much less an envelope, to me, or seen anyone give me an envelope or anything else.

Here again, I state under oath, that Jimmie Velasco never gave me any money in an envelope, or otherwise, for any purpose whatsoever.

(3) Antonio Deschamps (misspelled in committee's record as "Deschants"), who is now in Key West, Fla. I never knew, saw or heard of this man until the spring of 1949, when he came before the grand jury during the investigation of the murder of Jimmie Velasco, which occurred on December 12, 1948, and the investigation of an alleged payoff list, circulated by one P. Joseph Rodrigez, then a member of the city board of representatives, from West Tampa, and chairman of the police committee. Mr. Rodrigez was an intimate of Jimmie Velasco. The testimony Antonio Deschamps gave about me was not only opinion and hearsay, but, certainly insofar as I am concerned, wholly false, as conclusively established by these facts:

1. When Hon. Fred T. Saussy, Jr., my assistant State attorney, was cooperating with the inspector of police, who was in charge of the investigation of Jimmie Velasco's murder by questioning any witness suggested by anyone, he, Mr. Saussy, questioned Antonio Deschamps. I was not present and did not know the witness' name, or that he had been questioned, until some days later. He then testified under oath, in response to a subpoena, that he was with Jimmie Velasco, his cousin, and several others during the afternoon of that murder. The ease with which this witness gave false testimony, under oath, with fatal and irreconcilable conflicts, is seen by a comparison of his testimony before Mr. Saussy, with that before the grand jury later, and with that, nearly 2 years later, before this honorable committee:

(a) Before Mr. Saussy, on December 16, 1948, this man said (see p. 58 and p. 64 of transcript of record prepared by the official court reporter) :

"Q. If Jimmy wanted to check on bolita operations around here, where did he go to do that?

"A. I could not tell you, because I did not go with him.

"Q. You never aided him or assisted him in any way in bolita operations?

"A. No, sir.

"Q. You don't know anything about his operations at all?

"A. No, sir.

"Q. Did he ever talk to you about them at all?

"A. No, sir."

And again:

"Q. You had heard talk about that before, hadn't you?

"A. About what?

"Q. About Jimmie taking over bolita?

"A. He never talked to me about that, * * * I am the type of fellow, I have been knowing Jimmie, he is my first cousin, and we used to get along

fine, and used to go out a lot together, but I never did try to find out his business. In other words, if I was to come into this room, and he was talking to you, I would not try to stick around to see what he was talking about. I would leave the room."

(b) The same witness, Deschamps, after securing immunity by the foregoing questions before the assistant State attorney, thereafter, on March 8, 1949, testified before the grand jury of Hillsborough County, and was questioned by an able outside State attorney, assigned here by the Governor, to assist in the investigation. In response to questions propounded by that State attorney before the grand jury, in return for which he was again given immunity (I did not ask him a single question) and after political and factional motives had developed, he testified in some detail as to the method of keeping the in-and-out sheets of bolita sales and hits, and the resulting profit or loss. He gave some hearsay testimony about some other officials, which that jury found inadmissible and insufficient (see grand jury report, recorded April 1, 1949, in minute book 97, p. 441), but Deschamps did not mention the name of J. Rex Farrior. That testimony was recorded by the official court reporter. On page 68 thereof, Antonio Deschamps, in response to the following questions by the outside State Attorney, gave the following answers (not having previously mentioned my name at all):

"Q. That was the distribution that was made there at the office every Monday morning?

"A. Yes, sir.

"Q. Does that cover all of it?

"A. Yes; as far as I know.

"Q. That is the only ones that you know of that any distribution was to be made?

"A. Yes."

2. During that same grand jury investigation, Antonio Deschamps testified at length about the in-and-out sheets showing the sales, the hits, and the profit and loss for the week, but did not mention the name or the initial of anyone being on the bottom of said in-and-out sheet. Furthermore, a number of such in-and-out sheets were presented to the grand jury by this witness and one Roy Velasco, brother of the deceased Jimmie Velasco, and there definitely was no "R" thereon, as testified to by Deschamps before this honorable committee in Tampa on December 30, 1950. On the latter occasion, nearly 2 years after testifying before the grand jury, this witness was shown some in-and-out sheets and stated, on page 544 of the record, that he could not read them and did not know to whom they belonged. He then testified, contrary to both previous statements under oath, and contrary to the in-and-out sheets themselves, which were shown to the grand jury on March 9, 1949:

"Well, I had noticed at the bottom of the list some names, one name in particular on top" (which name was not mine), and, at the bottom of page 546, he said:

"There was an R next to that." He then stated that he had been told that the R stood for my name.

Again, at the bottom of page 548, Antonio Deschamps, the same witness, was asked:

"Well, what was the word you got from Jimmie as to the protection? You knew he was paying it because they were permitting you to operate, isn't that true?

"Mr. DESCHAMPS. I couldn't say to that."

8. About December 22, or 23, 1950, the United States marshal in Tampa called my office in my absence. In response thereto, I went to his office and received from him a subpoena to appear before this honorable committee at 9:30 a. m., on December 30, 1950, in the Federal Building, Tampa, Fla. I appeared at the appointed hour, sitting in an anteroom where I could not hear the questions and answers, or see the witnesses, until the hearing adjourned that afternoon of December 30, 1950. Since I was not heard at that hearing, I again state that I am appreciative of this opportunity to have my statement filed and recorded with this honorable committee. I repeat that I will be very glad to answer, under oath, in writing, any additional questions, or appear personally before you at any time after February 22, 1951, at your pleasure.

9. During the course of the hearing on December 30, 1950, in Tampa, I ordered, through the official court reporter in charge of recording those proceedings, a copy thereof for the Hillsborough County Grand Jury. The cost thereof was paid by Hillsborough County, upon my approval, and the original delivered to

Hon. Henry C. Tillman, circuit judge, for delivery to the present grand jury. Within a day or so after that complete record was delivered to me by the court reporter of the Federal court, I wrote Judge Tillman, sending a copy to the press, as follows:

"Senator Hunt, at the close of the hearing held by him on behalf of the United States Senate committee last Saturday, December 30, 1950, stated that their evidence would be made available to the law-enforcement officers, including yourself, when they transmitted to you the written record. I am asking that, as soon as this is ready for delivery to the grand jury for their consideration, you request the governor of Florida to assign an outside State attorney, who is both able and fair, to meet with and assist the grand jury in their consideration and investigation of that evidence.

"I am sending a copy of this request to the Governor and to the press, so there will be no question about my desire for a fair and impartial consideration of the matters contained in that evidence in accordance with the law. This request is made because my name was mentioned, despite the fact that such testimony was not only utterly false but hearsay."

10. Hon. W. Murray Overstreet, State attorney, was assigned by the Governor to assist the present grand jury. I have not discussed this investigation with Mr. Overstreet, or with any member of the grand jury. However, on January 25, 1951, I wrote him, sending a copy for delivery to the grand jury, containing the following paragraph:

"I will be delighted to appear before the grand jury any time and will look forward to this privilege. I will gladly waive any immunity by reason of such appearance. As publicly stated, I desire a fair and impartial consideration of those matters mentioned in the Kefauver hearing. Furthermore, I believe that I can give you some facts which should assist you in arriving at the truth—that references to me are both hearsay and false."

I have not yet appeared before the grand jury during this investigation, but will be glad to do so if desired. After this statement has become a matter of record with your committee, I will mail a copy to Mr. Overstreet, if it is permitted under your rules.

11. The murder of Jimmie Velasco was investigated as extensively, if not more so, than any murder which ever occurred in this county. A detailed report of that investigation was made by the grand jury, recorded April 1, 1949, in minute book 97, page 441. The investigation of the deputy sheriffs and detectives was aided by two special investigators sent here by the Governor of Florida, and by an outside State attorney, also assigned here by the Governor of Florida. The widow definitely identified one Joe Provenzano, who was indicted and prosecuted by the outside State attorney, my assistant, and myself. The case went to the jury and the defendant was acquitted. Several factors affecting the credibility of the State's witnesses appeared in the case, at least two of which were unknown to the prosecution prior to the trial. In addition thereto, the State was confronted with the problem of convincing the jury, beyond a reasonable doubt, that the widow, though honest in her identification, could some 40 days after the murder, identify a man, whom she had never seen prior to the murder, at which time said person had on a long coat, with the collar turned up and a hat pulled down over his eyes, at night, near the middle of the block between two street lights, where there were some shadows of trees, and under excitement. The State did produce evidence to the effect that a person could identify another at that location, and under those conditions, at the distance the widow stated the murderer was from her.

12. James Lumia was murdered on June 5, 1950. This was the second murder of persons alleged to have been connected with gambling, or the underworld, in the past 10 years and 5 months. All other murders of persons alleged to be connected with gambling and the underworld, occurred prior to December 1940. The police and deputy sheriffs insist that they have developed every clue connected with James Lumia's death. Every witness adduced or suggested by any of the officers was questioned by my assistant or myself and the testimony was recorded by the official court reporter. The grand jury, in session, questioned those officers and witnesses and made a report on this unsolved case, which was filed and recorded in September 1950.

The two eyewitnesses who were talking to James Lumia when the killer car rolled up, signaled his attention to turn, and shot Lumia, were unable to give a reasonable identity of anything, and even disagreed on the make and description of the murder car. A rumor story appeared in a local paper, which might have thrown some light, and the source of that rumor was traced to one person,

who was questioned by me, under oath, in response to a subpoena, on June 26, 1950. A 71-page transcript of the testimony was recorded by the court reporter. This testimony disclosed no possible clue. The witness was a local "politico," who admitted being in the employ of a local politician. The witness owned an old automobile and was making airplane trips to Miami and Tallahassee, despite the fact that his wife and five children are on county welfare relief, and he has held no job for more than 2 years.

J. REX FARRIOR.

Sworn to and subscribed before me this 15th day of February A. D. 1951.

LOUISE V. GOLD,

Notary Public.

My commission expires: April 12, 1953.

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